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United Nations

Commission on the Status of Women

Report on the fortieth session
(11-22 March 1996)

Economic and Social Council

Official Records, 1996
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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures.

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Chapter I

MATTERS CALLING FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL OR BROUGHT TO ITS ATTENTION

A. Draft resolutions

1. The Commission on the Status of Women recommends to the Economic and Social Council the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Palestinian women*

The Economic and Social Council,

Having considered with appreciation the report of the Secretary-General on the situation of and assistance to Palestinian women, 1/

Recalling the Nairobi Forward-looking Strategies for the Advancement of Women, 2/ in particular paragraph 260 concerning Palestinian women and children, and the Beijing Platform for Action adopted by the Fourth World Conference on Women, 3/

Recalling also its resolution 1995/30 of 25 July 1995 and other relevant United Nations resolutions,

Recalling the Declaration on the Elimination of Violence against Women 4/ as it concerns the protection for civilian populations,

Welcoming the signing by the Palestine Liberation Organization and the Government of Israel of the Declaration of Principles on Interim Self-Government Arrangements, 5/ in Washington, D.C., on 13 September 1993, as well as all subsequent agreements reached between the two parties,

Concerned about the continuing difficult situation of Palestinian women in the occupied Palestinian territory, including Jerusalem, and about the severe consequences of continuous Israeli illegal settlements activities, as well as the harsh economic conditions and other consequences for the situation of

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* For the discussion, see chap. II, paras. 57-61.

1/ E/CN.6/1996/8.

2/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

3/ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II.

4/ General Assembly resolution 48/104.

5/ A/48/486-S/26560, annex.

Palestine women and their families, resulting from the frequent closure and isolation of the occupied territory,

1. Recognizes the gradual, positive changes that are taking place as a result of the implementation of the agreements between the two parties;

2. Reaffirms that the Israeli occupation continues to constitute a major obstacle to the advancement and self-reliance of Palestinian women and their integration in the development planning of their society;

3. Demands that Israel, the occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights, 6/ the Hague Conventions 7/ and the Geneva Convention relative to the protection of Civilian Persons in Time of War, of 12 August 1949, 8/ in order to protect the rights of Palestinian women and their families;

4. Calls upon Israel to facilitate the return of all refugee and displaced Palestinian women and children to their homes and properties in the occupied Palestinian territory, in compliance with relevant United Nations resolutions;

5. Urges Member States, financial organizations of the United Nations system, non-governmental organizations and other relevant institutions to intensify their efforts to provide financial and technical assistance to Palestinian women for the creation of projects responding to their needs, especially during the transitional period;

6. Requests the Commission on the Status of Women to continue to monitor and take action on the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, 2/ in particular paragraph 260 concerning Palestinian women and children, and the Beijing Platform for Action; 3/

7. Requests the Secretary-General to continue to review the situation and to assist Palestinian women by all available means, and to submit to the Commission on the Status of Women at its forty-first session a report on progress made in the implementation of the present resolution.

DRAFT RESOLUTION II

Follow-up to the Fourth World Conference on Women*

The Economic and Social Council,

Welcoming the outcome of the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, and the adoption of the Platform for Action, 3/

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* For the discussion, see chap. II, paras. 79-82.

6/ General Assembly resolution 217 A (III).

7/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

8/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

Bearing in mind Economic and Social Council resolutions 11 (II) of 21 June 1946 and 48 (IV) of 29 March 1947, by which the Council established the Commission on the Status of Women and defined its terms of reference, and 1987/22 of 26 May 1987, by which the Council expanded the mandate of the Commission,

Taking into account agreed conclusions 1995/1, approved by the Council on 28 July 1995, [9] as well as General Assembly resolution 50/203 of 22 December 1995, on the follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action, in which the Assembly invited the Economic and Social Council to review and strengthen the mandate of the Commission,

Acknowledging the decision of the Committee on the Elimination of Discrimination against Women to add to its reporting guidelines an invitation to States parties to include in their report to the Committee information on measures taken to implement the Platform for Action, in order to monitor effectively, within its mandate, the rights guaranteed under the Convention on the Elimination of All Forms of Discrimination against Women,

I

Framework for the functioning of the Commission

Recalling that the General Assembly, in resolution 50/203, decided that the General Assembly, the Economic and Social Council and the Commission on the Status of Women, in accordance with their respective mandates and in accordance with Assembly resolution 48/162 of 20 December 1993 and other relevant resolutions, should constitute a three-tiered intergovernmental mechanism that would play the primary role in the overall policy-making and follow-up, and in coordinating the implementation and monitoring of the Platform for Action, reaffirming the need for a coordinated follow-up to and implementation of the results of major international conferences in the economic, social and related fields,

Convinced that the follow-up to the Fourth World Conference on Women should be undertaken on the basis of an integrated approach to the advancement of women within the framework of a coordinated follow-up to and implementation of the results of major international conferences in the economic, social and related fields, as well as the overall responsibilities of the General Assembly and the Economic and Social Council,

1. _Decides_ that the Commission on the Status of Women shall have a catalytic role in mainstreaming a gender perspective in policies and programmes;

2. _Decides_ that the inter-agency committee on the follow-up to the Fourth World Conference on Women, once established by the Administrative Committee on Coordination, shall inform the Commission and the Economic and Social Council of the progress of its work, for the purpose of system-wide coordination, and that a gender perspective shall also be fully integrated in the work of all thematic task forces established by the Administrative Committee on Coordination;

3. _Decides_ that the Platform for Action should be implemented through the work of all the bodies and organizations of the United Nations system during the period 1995-2000, and notes that the institutions of the United Nations

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[9] A/50/3, chap. III, para. 22.

especially devoted to the advancement of women, including the International Research and Training Institute for the Advancement of Women and the United Nations Development Fund for Women, are in the process of reviewing their programmes of work in the light of the Platform for Action and its implementation;

4. Decides, in view of the traditional importance of non-governmental organizations in the advancement of women, that such organizations should be encouraged to participate in the work of the Commission and in the monitoring and implementation process related to the Conference to the maximum extent possible, and requests the Secretary-General to make appropriate arrangements to ensure full utilization of existing channels of communication with non-governmental organizations in order to facilitate broad-based participation and dissemination of information;

5. Decides, in recognition of the valuable contribution of non-governmental organizations to the Fourth World Conference on Women, that the Council and its Committee on Non-Governmental Organizations will review the applications of these non-governmental organizations under Council resolution 1296 (XLIV) of 23 May 1968 as expeditiously as possible, and also decides that, prior to the forty-first session of the Commission on the Status of Women, the Council will take a decision on the participation of the non-governmental organizations that were accredited to the Conference and that have applied for consultative status, in Conference follow-up and in the work of the Commission on the Status of Women, without prejudice to the work of the Open-ended Working Group on the Review of Arrangements for Consultation with Non-Governmental Organizations;

6. Requests the Secretary-General urgently to draw the attention of non-governmental organizations accredited to the Fourth World Conference on Women to the provisions of the present resolution and to the process established under Council resolution 1296 (XLIV);

II

Terms of reference

1. Confirms the existing mandate of the Commission on the Status of Women as set out in its resolutions 11 (II), 48 (IV) and 1987/22, bearing in mind that the Platform for Action builds upon the Nairobi Forward-looking Strategies for the Advancement of Women;

2. Decides that the Commission shall assist the Economic and Social Council in monitoring, reviewing and appraising progress achieved and problems encountered in the implementation of the Beijing Declaration and Platform for Action at all levels, and shall advise the Council thereon;

3. Decides that the Commission shall continue to ensure support for mainstreaming a gender perspective in United Nations activities and develop further its catalytic role in this regard in other areas;

4. Decides further that the Commission shall identify issues where United Nations system-wide coordination needs to be improved in order to assist the Council in its coordination function;

5. Decides that the Commission shall identify emerging issues, trends and new approaches to issues affecting the situation of women or equality between

women and men that require urgent consideration, and make substantive recommendations thereon;

6. Decides that the Commission shall maintain and enhance public awareness and support for the implementation of the Platform for Action;

III

Documentation

1. Requests that all United Nations documentation be kept concise, clear, analytical and timely with a focus on relevant issues and in accordance with Council resolution 1987/24 of 26 May 1987 and agreed conclusions 1995/1, approved by the Council on 28 July 1995; 9/ that reports contain recommendations for action and indicate the actors; that reports be available in all official languages, in accordance with the rules of the United Nations; and that other methods of reporting, such as oral reports, also be explored;

2. Requests that the relevant reports of the meetings of inter-agency mechanisms established by the Secretary-General be transmitted for information to the Commission to ensure coordination, collaboration and coherence in the implementation of the Platform for Action;

3. Decides that requests for reports of the Secretary-General should be limited to the minimum strictly necessary and that the Secretariat should use information and data already provided by Governments to the maximum extent possible, avoiding duplication of requests to Governments for such information;

4. Decides further that voluntary submission of national information, for example national action plans or national reports by Governments, should be encouraged;

5. Requests that the following reports be prepared under item 3, entitled "Follow-up to the Fourth World Conference on Women", of the agenda set out in section IV, paragraph 3, of the present resolution, bearing in mind the need to promote integrated reporting:

(a) Report of the Secretary-General on the measures taken and the progress achieved in mainstreaming a gender perspective within the United Nations system (annually);

(b) Analytical report of the Secretary-General on the thematic issues before the Commission in accordance with the multi-year work programme, including, as far as possible, progress made in national implementation, based on available data and statistics (annually);

(c) Report on emerging issues under item 3 (b) of the agenda set out in section IV, paragraph 3, of the present resolution, as appropriate, at the request of the Commission or its Bureau;

(d) Synthesized report on implementation plans of Governments and the United Nations system, based, *inter alia*, on national action plans and any other sources of information already available in the United Nations system (in 1998);

(e) Mid-term review of the system-wide medium-term plan for the advancement of women, 1996-2001 (in 1998);

(f) Report on the implementation of the Platform for Action, on the basis of national reports, taking into account the Nairobi Forward-looking Strategies for the Advancement of Women (in 2000);

IV

Work programme of the Commission on the Status of Women

1. Adopts a multi-year work programme for a focused and thematic approach, culminating in a quinquennial review and appraisal of the Platform for Action of the Fourth World Conference on Women; the work programme, inter alia, will provide a framework to assess the progress achieved in the implementation of the Platform for Action and will be in line with the coordinated follow-up to conferences;

2. Decides that the work of the Commission in relation to the programme of work shall be closely related to the relevant provisions of the Platform for Action, with a view to ensuring the effective implementation of the Platform for Action;

3. Decides that the agenda for the Commission shall consist of the following:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Follow-up to the Fourth World Conference on Women:
    - (a) Review of mainstreaming in organizations of the United Nations system;
    - (b) Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men;
    - (c) Implementation of strategic objectives and action in the critical areas of concern.
4. Communications concerning the status of women.
5. The Convention on the Elimination of All Forms of Discrimination against Women, including the elaboration of a draft optional protocol to the Convention.
6. Provisional agenda for the forty-second session of the Commission.
7. Adoption of the report of the Commission on its forty-first session.

4. Decides, in the light of the need for a focused and thematic multi-year work programme on the critical areas of concern and bearing in mind that the critical areas of concern are interrelated and interdependent, on the following calendar:

1997	Education and training of women (Platform for Action, chap. IV.B)
	Women and the economy (Platform for Action, chap. IV.F)

	Women in power and decision-making (Platform for Action, chap. IV.G)
	Women and the environment (Platform for Action, chap. IV.K)
1998	Violence against women (Platform for Action, chap. IV.D)
	Women and armed conflict (Platform for Action, chap. IV.E)
	Human rights of women (Platform for Action, chap. IV.I)
	The girl child (Platform for Action, chap. IV.L)
1999	Women and health (Platform for Action, chap. IV.C)
	Institutional mechanisms for the advancement of women (Platform for Action, chap. IV.H)
	Initiation of the comprehensive review and appraisal of the implementation of the Platform for Action
2000	Comprehensive quinquennial review and appraisal of the implementation of the Platform for Action
	Emerging issues

V

Regional dimension

Recalling the important role played by regional preparatory conferences in the preparations for the Fourth World Conference on Women and that plans and programmes of action were adopted that served as essential inputs to the Beijing Declaration and Platform for Action,

1. *Recommends* that the regional follow-up and monitoring of the regional platforms and programmes of action should be utilized as inputs for the review and appraisal of the Beijing Declaration and Platform for Action;

2. *Recommends* further that the Council should consider how best to integrate the inputs of regional commissions into the overall monitoring and follow-up to the Platform for Action.

B. Draft decisions

2. The Commission on the Status of Women recommends to the Economic and Social Council the adoption of the following draft decisions:

DRAFT DECISION I

Renewal of the mandate of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*

The Economic and Social Council decides:

(a) To renew the mandate of the in-session Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, so that it may continue its work, taking into account the reports to be submitted under resolution 40/8 of the Commission on the Status of Women, pursuant to Council resolution 1995/29 of 24 July 1995;

(b) To authorize, within existing United Nations resources, the Working Group to meet in parallel with the Commission at its forty-first session;

(c) To invite a representative of the Committee on the Elimination of Discrimination against Women to attend this meeting as a resource person.

DRAFT DECISION II

Report of the Commission on the Status of Women on its fortieth session and provisional agenda and documentation for the forty-first session of the Commission**

The Economic and Social Council takes note of the report of the Commission on the Status of Women on its fortieth session and approves the provisional agenda and documentation for the forty-first session of the Commission set out below.

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

3. Follow-up to the Fourth World Conference on Women:

    (a) Review of mainstreaming in organizations of the United Nations system;

    Documentation

    Report of the Secretary-General on the measures taken and the progress achieved in mainstreaming a gender perspective within the United Nations system

    (b) Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men;

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* For the discussion, see chap. IV.

** See chap. V.

Documentation

Report of the Secretary-General on emerging issues, as appropriate, at the request of the Commission or its Bureau

(c) Implementation of strategic objectives and action in the critical areas of concern;

Documentation

Analytical report of the Secretary-General on the thematic issues before the Commission in accordance with the multi-year work programme, including, as far as possible, progress made in national implementation, based on available existing data and statistics

4. Communications concerning the status of women.

Documentation

Lists of confidential and non-confidential communications concerning the status of women

5. The Convention on the Elimination of All Forms of Discrimination against Women, including the elaboration of a draft optional protocol to the Convention.

Documentation

Report of the Secretary-General containing additional views of Governments, intergovernmental organizations and non-governmental organizations on an optional protocol to the Convention, as well as a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations

6. Provisional agenda for the forty-second session of the Commission.

7. Adoption of the report of the Commission on its forty-first session.

C. Matters brought to the attention of the Council

1. Agreed conclusions

3. The following agreed conclusions of the Commission are brought to the attention of the Council:

Agreed conclusions 1996/1. Methods of work for dealing with the implementation of the Platform for Action adopted by the Fourth World Conference on Women*

1. The Commission on the Status of Women adopted the conclusions regarding its methods of work set out below.

2. The Commission considers that its effectiveness and efficiency could be improved through innovative methods of work, including inviting experts to participate in the substantive debate on selected issues as part of the regular work of the Commission.

3. These innovative methods must be understood as a process that includes not only the sessions of the Commission but also the organization of work. Broad-based participation in the preparatory process for each session of the Commission must be encouraged. The practice of periodically convening meetings of the Bureau of the Commission open to the participation of all interested States should be encouraged and consolidated.

4. The documentation prepared for each item of debate should be available in all official languages in sufficient time to ensure active and wide participation in discussions.

5. The practice of inviting experts is expected to deal effectively with the critical areas of concern established in the Beijing Platform for Action and to contribute to the effective follow-up of the Conference. The experts should be chosen from the fields of study addressed under the critical areas of concern, taking into account equitable geographical distribution and the involvement of non-governmental organizations.

6. Panels of experts should be formed. They should include experts appointed by the Secretary-General, experts working within the United Nations system, and experts from Governments and from civil society.

7. The selection of experts, the composition of the panels, and the allocation of time to dialogues should be decided inter-sessionally by the Bureau of the Commission, taking into consideration the proposals of the United Nations Secretariat. The Secretariat should prepare a list of candidates for the panels based on suggestions from States and civil society. The Bureau should convene meetings open to the participation of all interested States to ensure a broad base of participation.

8. Meetings should be allotted for dialogue with organizations within the United Nations system and civil society and among governmental delegations. Sufficient time should be devoted to intergovernmental dialogue.

9. The results of dialogues should normally be reflected in concise, action-oriented agreed conclusions to be transmitted to the Economic and Social Council by a Commission decision. They should also contain policy recommendations and identify coordination issues to be dealt with by the Council.

10. The Commission, in order to strengthen its capacity to act as a catalyst in support of mainstreaming a gender perspective in the work of the United Nations

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* For the discussion, see chap. II, paras. 70-78.

system, to identify emerging issues, trends and new approaches affecting the situation of women or equality between women and men, and to review and appraise progress achieved and problems encountered in implementation of critical areas of concern in the Platform for Action:

(a) Should strengthen its cooperation with other relevant bodies of the United Nations system, including other functional commissions and their respective secretariats;

(b) Should monitor progress on the system-wide medium-term plan for the advancement of women;

(c) Should make relevant documents available, through the Economic and Social Council, to other functional commissions and relevant United Nations expert bodies and mechanisms in order to assist in the integration of a gender perspective in their work;

(d) Notes, bearing in mind the role of the Economic and Social Council in overall coordination, that increased dialogue between the Bureau of the Commission on the Status of Women and the Economic and Social Council, the chairpersons and secretariats, as appropriate, of the other functional commissions, other subsidiary bodies and related bodies, including the relevant executive boards, would assist in identifying issues that could be addressed under the agenda item on emerging issues and trends;

(e) Encourages the voluntary presentation of national information and suggests that such information should address the priority issues identified by the Commission on the Status of Women in its programme of work, bearing in mind that Governments are to develop comprehensive implementation strategies or national plans of action, including time-bound targets and benchmarks for monitoring, in order to implement the Platform for Action fully;

(f) Encourages States to submit national reports by the year 2000 for the comprehensive quinquennial review and appraisal of the implementation of the Platform for Action in the year 2000.

Agreed conclusions 1996/2. Women and the media*

1. The Beijing Platform for Action identifies women and the media as one of 12 critical areas of concern. As stated in the Beijing Platform for Action, gender stereotyping in advertising and the media is one of the factors of inequality that influences attitudes towards equality between women and men. Through a series of dialogues on the subject during its fortieth session, the Commission on the Status of Women examined measures to be used for increasing the participation and access of women to expression and decision-making in and through the media and new technologies of communication. Everywhere the potential exists for the media to make a far greater contribution to the advancement of women. The conclusions emanating from the Commission's dialogue contain proposals for successful implementation of the strategic objectives and actions in the Platform for Action, taking into consideration the importance of implementing all the elements of the Platform.

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* For the discussion, see chap. II, paras. 89-91.

A. Respect for the human rights of women, including freedom of expression, and the media

2. The Commission on the Status of Women reconfirmed the importance it attached to the principles of freedom of expression and of freedom of the press and other means of communication. The Commission discussed freedom of expression from a gender perspective, in particular as it related to women's full enjoyment of freedom of expression, equal access to the media, balanced and diverse portrayals by the media of women and their multiple roles, and media information aimed at eliminating all forms of violence against women. Respect for the human rights of women, including freedom of expression, is a fundamental principle of the international community. In this regard, concern was also expressed about discrimination, threats and acts of violence against professional women in the field of information, including women journalists. If the goal of the full realization of the human rights of women, including freedom of expression, is to be achieved, human rights instruments must be applied in such a way as to take more clearly into consideration the systematic and systemic nature of discrimination against women that gender analysis has clearly indicated.

3. Relevant United Nations bodies, including the Commission on Human Rights and its mechanisms and procedures, the Committee on the Elimination of Discrimination against Women and independent expert bodies, should within their mandates, further examine violations of the human rights of women, including freedom of opinion and freedom of expression, from a gender perspective, in cooperation with the Commission on the Status of Women within its mandate.

B. Self-regulation, voluntary guidelines and responsiveness to civil society

4. The Platform for Action states that self-regulatory mechanisms by the media should be encouraged and, consistent with freedom of expression, should include the development of professional guidelines and codes of conduct and other forms of self-regulation so as to eliminate gender-biased programming and to promote the presentation of non-stereotypical images of women and balanced and diverse portrayals of women and men.

5. In the context of responsiveness to civil society, self-regulation for public and private sector industries should be set within a framework of monitoring, awareness and education and well-developed and effective avenues for complaint. Such self-regulatory measures and voluntary guidelines should be established through a process of dialogue with media professionals, not by coercion.

6. With regard to the presentation of violence in the media, initiatives by Governments and other relevant actors, as appropriate, should be taken to raise awareness of the role of the media in promoting non-stereotyped images of women and men and in eliminating patterns of media presentation that generate violence; to encourage those responsible for media content to establish voluntary professional guidelines and codes of conduct; and to raise awareness also of the important role of the media in informing and educating people about the causes and effects of violence against women.

7. The following initiatives are among those which could be taken, as appropriate, consistent with the freedom of expression:

(a) Encourage the media to take part in international discussions, including the exchange of information and sharing of best practices on voluntary guidelines on a gender-balanced portrayal of women and men. Special attention should be given to the proliferation of transborder and global communications;

(b) Support and encourage women's equal participation in management, programming, education, training and research, including through positive action and equal opportunity policies, with the goal of achieving gender balance in all areas and at all levels of media work, as well as in the media advisory, regulatory and monitoring bodies.

C. The important role of media education

8. Media education, through, for example, practical workshops and training sessions, is an effective way to create greater awareness of gender stereotyping and equality issues among the general public, government, media industries and professionals.

9. In countries where major parts of the population, including many women, are illiterate or media illiterate, Governments should support the goal of providing appropriate education and training.

10. Civil society at large has an important role in exercising its influence on media content and stereotyped portrayal through consumer action and advocacy and different forms of media watch.

11. At the international level, an exchange of national experiences on media education and other measures can benefit legislators, national broadcasting authorities and media professionals.

D. Creating an enabling environment

12. The creation of a positive environment is a condition to promote measures intended to achieve a balanced portrayal of women and girls. Changes should be promoted in an enabling way and not through prescription. Ongoing research, including the establishment of indicators and monitoring, is important for assessing progress.

13. An enabling environment should also be created for women's media, including at the international level, such as the development of Womenwatch, a World Wide Web home page to link the United Nations and its activities for women with non-governmental organizations, academics and other users of the Internet. The vital role of non-governmental organizations in media education, research, consumer advocacy and monitoring should be recognized and enhanced.

14. Media networks should be encouraged to make a commitment or strengthen their commitment to gender equality. Public media, where they exist, should be encouraged to set an example for private media by their commitment and contribution to the advancement of women.

15. Governments should support research into all aspects of women and the media so as to define areas needing attention and action, and should review existing media policies with a view to integrating a gender perspective.

16. To the extent consistent with freedom of expression, Governments should take effective measures or institute such measures, including appropriate legislation against pornography and the projection of violence against women and children in the media.

E. Women and global communications

17. Advances in information technology have opened up boundaries. The role of women in global communication networks needs to be strengthened. Barriers to such information technology and to women's involvement at every level of its development should be reduced.

Agreed conclusions 1996/3. Child and dependant care, including sharing of work and family responsibilities*

1. Questions relating to child and dependant care, to sharing of family tasks and responsibilities and to unremunerated work must be taken fully into account in mainstreaming a gender perspective, in gender analysis and in all other relevant methodologies used to promote equality between men and women.

2. The main lines of action suggested in order to reduce the burden of family responsibilities on women and bring about the sharing of these responsibilities are set out below.

A. Recognizing change

3. Economic, social and demographic changes - particularly the growing participation of women in economic and social life, the evolving nature of family structures, the feminization of poverty and the link that exists with unremunerated work - and their impact on the capacity of families to ensure the care of children and dependants, as well as the sharing of family responsibilities, including for domestic work, is an issue that affects not only women but society as a whole.

4. As was emphasized in the first plans and strategies drawn up at the national level for the implementation of the Beijing Platform for Action, the sharing of family responsibilities and their reconciliation with professional life must constitute a priority objective.

B. Increasing the role of men in family responsibilities

5. Family responsibilities rest equally with men and with women. Greater participation of men in family responsibilities, including domestic work and child and dependant care, would contribute to the welfare of children, women and men themselves. Even though this change is bound to be slow and difficult, it remains essential.

6. These changes, which imply a change in outlook, can be encouraged by Governments, notably through education and by promoting greater access on the part of men to activities hitherto regarded as women's activities.

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* For the discussion, see chap. II, paras. 92-95.

C. Changing attitudes and stereotypes

7. It is important to change attitudes towards the status of unremunerated work and the relative role of women and men in the family, the community, the workplace and society at large. Measures taken to this end must be aimed as much at women as at men, and at the different generations, with particular attention to adolescents.

8. These measures should include recognition of the social and economic importance of unremunerated work, and should aim at desegregating the labour market through, inter alia, the adoption and application of laws embodying the principle of equal pay for women and men for equal work or work of equal value.

9. The essential role of the educational system, particularly in primary schools, in changing the perception of the role of girls and boys, must be recognized. The role of national mechanisms and of non-governmental organizations in promoting change is a major one.

D. Adapting the legal system

10. There is a need, through legislation and/or other appropriate measures, to rebalance the sharing of family responsibilities between men and women, and to inform them of the existing legislative provisions.

11. Reconciliation of work-related and family responsibilities and the development of a legislative framework for ensuring child and dependant care (particularly of the elderly and disabled) must be promoted by society as a whole, including social partners, and by Governments. The latter must be the main agents of change.

12. Action is needed to:

(a) Promulgate and apply laws and other measures to prohibit all forms of direct or indirect discrimination based on gender or matrimonial status, inter alia, by making reference to family responsibilities;

(b) Promote laws on maternity leave;

(c) Promote legislative measures, incentives and/or measures of encouragement that would enable men and women to take parental leave and receive social security benefits. Such measures should protect working men and women against dismissal and guarantee their right to re-enter employment in an equivalent post;

(d) Promote conditions and a way of organizing work that would enable women and men to reconcile their family and professional life, particularly through the introduction of flexi-time for women and men;

(e) Eliminate the differences in remuneration between women and men for equal work or work of equal value, and promote the development of non-discriminatory methods of evaluating work and their inclusion in wage negotiations;

(f) Work actively towards ratification of or accession to and implementation of international and regional human rights treaties;

(g) Ratify and accede to and ensure implementation of the Convention on the Elimination of All Forms of Discrimination against Women so that universal ratification can be achieved by the year 2000;

(h) Ensure the application of laws and guidelines and encourage the adoption of voluntary codes of conduct which guarantee that international labour standards, such as International Labour Organization Convention No. 100 on equality of remuneration of men and women for equal work or work of equal value, apply equally to working women and working men;

(i) Encourage the participation of women in bodies responsible for negotiating working conditions. In this respect, it is interesting to note the relationship that exists between the proportion of women participating in negotiations on working conditions and the importance attached to this problem;

(j) Encourage social security regimes to take into account the time spent by working men and women on child and dependant care.

E. Adopting and promoting a family support policy and encouraging reconciliation of family and professional life for women and men

13. It is essential to define, at the national, regional and local levels, a family support policy that is based on the principle of equal sharing of family responsibilities and is consistent with the policies for promoting equality in the labour market and protecting the rights of the child. Particular attention should be paid to single-parent families. There is a need, where necessary, to revise legislation so that women are no longer defined as "minors" and/or dependants and to ensure that they enjoy the same access to resources as men.

14. The State and society at large have a responsibility for child and dependant care. This responsibility is reflected in the adoption of an integrated approach at the local and national levels in order to ensure access to affordable and reliable services for the children and dependants (particularly those who are elderly and disabled) of women and men who are working, undergoing training, studying or seeking employment. This responsibility can also take the form of incentives for parents and employers, of a partnership between local authorities, management and labour, non-governmental organizations and the private sector, and of the provision of technical assistance and access to vocational training.

15. With a view to complementing the efforts being made in this direction by Governments, international financial institutions should be encouraged to take into account the growing need for financing to establish day-care nurseries, particularly in areas where there is a greater concentration of poverty, in order to facilitate the training of mothers or their entry into paid employment.

16. Child and dependant care can constitute a major source of new jobs for women and men.

17. The burden of domestic work needs to be eased by making use of appropriate technologies to provide drinking water and an energy supply.

F. Developing research and information exchange

18. Research could be conducted drawing on the capabilities of the various United Nations organizations, particularly in the following areas, when compatible with the system-wide medium-term plan for the advancement of women, 1996-2001;

(a) Changes in the situation and attitudes of men and women with regard to the reconciliation of family and professional life and the sharing of family responsibilities - in particular, a study should be conducted in the context of sub-Saharan Africa;

(b) Compilation of data on the unremunerated work which is already taken into account in the System of National Accounts, 10/ for example in agriculture and other types of non-mercantile production activity;

(c) Collection and exchange of information on the different systems that exist for alimony payments;

(d) Unremunerated work which addresses the measuring and value of this work, within the framework of the implementation of the Platform for Action;

(e) Time-use surveys of unremunerated work of women and men, with a view to measuring its impact on the use and monitoring of economic and social policies.

G. Promoting change through international cooperation

19. The Commission on the Status of Women recommends to the Economic and Social Council that all the strategies and policies of the United Nations and of Member States designed to promote gender equality should take fully into account child and dependant care, sharing of family work and responsibilities between men and women, and unremunerated work, as integral parts of the concept of equality between men and women.

20. The Commission on the Status of Women recommends to the Economic and Social Council that the suggestions set out above be taken into account in defining the policies of the United Nations system, as well as those of Member States.

2. Resolutions and decision

4. The following resolutions and decision adopted by the Commission are brought to the attention of the Council:

10/ United Nations publication, Sales No. E.94.XVII.4.

Resolution 40/1. Release of women and children taken hostage in armed conflicts and imprisoned*

The Commission on the Status of Women,

Recalling its resolution 39/2 of 31 March 1995,

Recalling the relevant provisions contained in the instruments of international humanitarian law relative to the protection of women and children in areas of armed conflict,

Welcoming the adoption of the Beijing Declaration and Platform for Action by the Fourth World Conference on Women, 11/ including the provisions regarding violence against women and children,

Expressing grave concern at the continuation of armed conflicts in many regions throughout the world and at the human suffering and humanitarian emergencies that they have caused,

Emphasizing that all forms of violence committed against women and children in areas of armed conflict, including capturing them as hostages, seriously contravene international humanitarian law,

Expressing its strong belief that the rapid and unconditional release of women and children taken hostage in areas of armed conflict will promote the implementation of the noble goals enshrined in the Beijing Declaration and Platform for Action,

1. Condemns violent acts in contravention of international humanitarian law against civilian women and children in areas of armed conflict, and calls for an effective response to such acts, including the immediate release of such women and children taken hostage in areas of armed conflict;

2. Strongly urges all parties to armed conflicts to respect fully the norms of international humanitarian law in armed conflict and to take all measures required for the protection of women and children, in particular the immediate release of women and children taken hostage or imprisoned;

3. Urges all parties to conflicts to provide information and unimpeded access to specialized assistance for women and children taken hostage in areas of armed conflict;

4. Requests the Secretary-General and all relevant international organizations to use all their capabilities and efforts to facilitate the release of all women and children taken hostage in areas of armed conflict;

5. Also requests the Secretary-General to submit a report on the implementation of the present resolution to the Commission on the Status of Women at its forty-first session.

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* For the discussion, see chap. II, paras. 32-35.

11/ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annexes I and II.

Resolution 40/2. Integration of women in the Middle East peace process*

The Commission on the Status of Women,

Recalling General Assembly resolution 50/21 of 12 December 1995, Economic and Social Council resolution 1995/52 of 28 July 1995 and Commission on the Status of Women resolution 39/3 of 31 March 1995,

Recalling also the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women, 11/

Stressing that the achievement of a comprehensive, just and lasting settlement of the Middle East conflict will constitute a significant contribution to strengthening international peace and security,

Recalling the convening of the Peace Conference on the Middle East at Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups, and noting with satisfaction the broad international support for the peace process,

Noting the continuing positive participation of the United Nations as a full extraregional participant in the work of the multilateral working groups,

Bearing in mind the Declaration of Principles on Interim Self-Government Agreements, 12/ and subsequent agreements made in the context of the Middle East peace process,

Taking into account section E of chapter IV of the Beijing Platform for Action concerning women and armed conflict,

1. Welcomes the peace process started at Madrid, and supports the subsequent bilateral negotiations;

2. Stresses the importance of, and need for, achieving a comprehensive, just and lasting peace in the Middle East, expresses its full support for the achievements of the peace process thus far and urges all parties to implement the agreements reached;

3. Urges Governments, intergovernmental bodies and non-governmental organizations to include women in the peace process;

4. Also urges Governments, intergovernmental bodies and non-governmental organizations to support the implementation of the Declaration of Principles and to assist the Palestinian people to ensure Palestinian women's political development and participation;

5. Welcomes the results of the Conference to Support Middle East Peace, convened in Washington on 1 October 1993, including the establishment of the Ad Hoc Liaison Committee, the subsequent work of the World Bank Consultative Group, welcomes also the appointment by the Secretary-General of the "United

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* For the discussion, see chap. II, paras. 36-41.

12/ A/48/486-S/26560, annex.

Nations Special Coordinator in the Occupied Territories", and urges Member States to expedite economic, financial and technical assistance to the Palestinian people, particularly Palestinian women and children, during the interim period;

6. Supports the Declaration of the Summit of the Peacemakers, held in Sharm El-Sheikh, Egypt on 13 March 1996, which had as its objectives enhancing the peace process, promoting security and combating terrorism, and condemns terrorist attacks in the Middle East, which seek to undermine the peace process and which have caused loss of life and injuries among women and their families;

7. Calls upon all Member States to extend economic, financial and technical assistance to parties in the region and to render support for the peace process, especially with regard to women;

8. Urges Member States to ensure that all economic, financial and technical assistance to parties in the region take into account the role of women as full participants and beneficiaries;

9. Considers that an active United Nations role in the Middle East peace process and in assisting in the implementation of the Declaration of Principles can make a positive contribution with regard to the status of women.

Resolution 40/3. Mainstreaming the human rights of women*

The Commission on the Status of Women,

Recalling all relevant resolutions, in particular General Assembly resolution 50/203 of 22 December 1995, in which, inter alia, the Assembly endorsed the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women, 13/

Welcoming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, 14/ which emphasizes that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights and stresses that these rights should be integrated into the mainstream of United Nations system-wide activities, and noting that according to the Vienna Declaration and Programme of Action, steps should be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee on the Elimination of Discrimination against Women, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations bodies,

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* For the discussion, see chap. II, paras. 42-44.

13/ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annexes I and II.

14/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

Recalling that the Convention on the Elimination of All Forms of Discrimination against Women 15/ is a key international human rights instrument for the promotion and protection of women's human rights, and acknowledging both its codifying and innovating functions,

Noting the important roles that the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women have to play in making the general human rights work of the United Nations more gender conscious and in promoting the universal and indivisible human rights of women,

Reaffirming the importance of the adoption by the General Assembly of the Declaration on the Elimination of Violence against Women, 16/ and recalling Commission on Human Rights resolution 1994/45 of 4 March 1994, 17/ in which the Commission decided to appoint, for a three-year period, a Special Rapporteur on violence against women, its causes and consequences, as well as Commission on Human Rights resolution 1995/85 of 8 March 1995 on the elimination of violence against women, 18/

1. Stresses the need to intensify efforts of cooperation and coordination to ensure that the equal status and the human rights of all women and the girl child are integrated into the mainstream of United Nations system-wide activities and are addressed regularly and systematically in relevant United Nations bodies and mechanisms;

2. Welcomes the report of the Secretary-General on the extent to which violations of women's human rights have been addressed by human rights mechanisms, 19/ and endorses the recommendations contained therein;

3. Welcomes the report of the Secretary-General on the joint work plan of the Division for the Advancement of Women and the Centre for Human Rights 20/ to improve cooperation between the Division and the Centre as an element in mainstreaming the human rights of women;

4. Takes note of the request of the Commission on Human Rights, in its resolution 1995/86 of 8 March 1995, 18/ that the special rapporteurs, representatives, experts and chairpersons of the working groups of the Commission on Human Rights, in future meetings on enhancing cooperation and exchange of information, address violations of the human rights of women;

5. Recalls that the Commission on Human Rights, in its resolution 1994/45, requested the Secretary-General to ensure that the reports of the Special Rapporteur on violence against women, its causes and consequences were brought to the attention of the Commission on the Status of Women to assist the Commission in its work in the area of violence against women;

15/ General Assembly resolution 34/180.

16/ General Assembly resolution 48/104.

17/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

18/ Ibid., 1995, Supplement No. 3 (E/1995/23), chap. II, sect. A.

19/ E/CN.6/1996/9.

20/ E/CN.6/1996/13.

6. Notes General Assembly resolution 50/170 of 22 December 1995, in which the Assembly welcomed the emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate;

7. Encourages the Division for the Advancement of Women to provide any relevant material it receives or prepares, through the Centre for Human Rights, for the information of the treaty bodies in their work;

8. Encourages the Division for the Advancement of Women to continue to develop methodologies to analyse gender perspectives in the reports of the States parties that are being considered by the treaty bodies;

9. Encourages the Division for the Advancement of Women to cooperate with and assist the Special Rapporteur on violence against women, its causes and consequences through the automatic and regular exchange of information and by forwarding expeditiously any relevant material it receives or prepares on violence against women;

10. Emphasizes the need to develop and enhance the role of focal points on the human rights of women, in both the Centre for Human Rights and the Division for the Advancement of Women, and to ensure cooperation and coordination between the two bodies on an ongoing basis;

11. Encourages the Division for the Advancement of Women and the Centre for Human Rights to explore the possibility of providing training in the human rights of women and of training personnel in the Division for the Advancement of Women in general human rights matters;

12. Encourages the efforts made by the United Nations High Commissioner for Human Rights, within the mandate established by General Assembly resolution 48/141 of 20 December 1993, to promote and protect the human rights of women, including his efforts to coordinate the activities of relevant United Nations organs, bodies and mechanisms dealing with human rights in considering violations of the human rights of women;

13. Emphasizes the need for all relevant organs, bodies and agencies of the United Nations system to include information on gender-based human rights violations in their activities and integrate the findings into all of their programmes and activities;

14. Urges States to consider the gender composition of the treaty bodies when nominating and electing candidates to such bodies;

15. Emphasizes the need for the United Nations Decade for Human Rights Education to incorporate a gender perspective into all its activities and the importance of drafting the mid-Decade report and the final report on the Decade so as to include mainstreaming of the human rights of women, ensuring that the evaluation criteria of the United Nations High Commissioner for Human Rights for those reports include whether the human rights of women are a mainstream concern;

16. Requests the Secretary-General to report to the Commission on the Status of Women at its forty-first session, in 1997, on the implementation of the present resolution;

17. Decides to remain seized of the matter and, in particular, to examine at its forty-first session the progress made and the plans developed.

Resolution 40/4. Traffic in women and girls*

The Commission on the Status of Women,

Reaffirming its faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, enshrined in the Charter of the United Nations, as well as the principles set forth in the Universal Declaration of Human Rights, 21/ the Convention on the Elimination of All Forms of Discrimination against Women, 22/ the International Covenants on Human Rights, 23/ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 24/ the Convention on the Rights of the Child 25/ and the Declaration on the Elimination of Violence against Women, 26/

Recalling General Assembly resolutions 49/166 of 23 December 1994 and 50/167 of 22 December 1995, Commission on the Status of Women resolution 39/6 of 29 March 1995 27/ and Commission on Human Rights resolutions 1994/45 of 4 March 1994 28/ and 1995/25 of 3 March 1995 29/ on traffic in women and girls,

Concurring with the conclusions and recommendations made by recent international conferences, including the World Conference on Human Rights in Vienna, the World Summit for Social Development in Copenhagen, the International Conference on Population and Development in Cairo and the Fourth World Conference on Women in Beijing, on the human rights of women and girl children,

Bearing in mind the need to strengthen the implementation of all relevant human rights instruments in order to combat and eliminate, including through international cooperation, organized and other forms of trafficking in women or children, including trafficking for the purposes of sexual exploitation, pornography, prostitution and sex tourism, and provide legal and social services to the victims; this should include provisions for international cooperation to prosecute and punish those responsible for organized exploitation of women and children,

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* For the discussion, see chap. II, paras. 45-47.

21/ General Assembly resolution 217 A (III).

22/ General Assembly resolution 34/180, annex.

23/ General Assembly resolution 2200 A (XXI).

24/ General Assembly resolution 39/46, annex.

25/ General Assembly resolution 44/25, annex.

26/ General Assembly resolution 48/104, annex.

27/ Official Records of the Economic and Social Council, 1995, Supplement No. 6 (E/1995/26), chap. I, sect. C.

28/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

29/ Ibid., 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

Acknowledging that the problem of trafficking also victimizes young boys,

Welcoming the decision of the Commission on Crime Prevention and Criminal Justice in its resolution 3/2 of 6 May 1994 30/ to consider the international traffic in minors at its fourth session, in the context of its discussion on the question of organized transnational crime,

Concerned about the increasing number of women and girl children from developing countries and from some countries with economies in transition who are being victimized by traffickers,

Noting the need to raise awareness of the important role of the media, including new forms of information technology, in informing and educating people about the causes and effects of violence against women and in stimulating public debate on the topic,

Realizing the urgent need for the adoption of effective measures at the national, regional and international levels to protect women and girl children from this nefarious traffic,

Welcoming the holding of national, regional and international meetings on trafficking in order to propose measures to eradicate the traffic in women and girls,

1. Calls for the implementation of the Platform for Action of the Fourth World Conference on Women 31/ by Governments of countries of origin, transit and destination and regional and international organizations, as appropriate, by:

(a) Considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

(b) Taking appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;

(c) Stepping up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training and the provision of legal assistance and confidential health care,

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30/ Ibid., 1994, Supplement No. 11 (E/1994/31), chap. I, sect. C.

31/ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II.

taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

(e) Developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

2. Encourages Governments, relevant organizations and bodies of the United Nations system, intergovernmental organizations and non-governmental organizations to gather and share information relative to all aspects of trafficking in women and girl children in order to facilitate the development of anti-trafficking measures, and to adopt appropriate measures to create wider public awareness of the problem;

3. Calls upon all Governments to take appropriate measures to prevent the misuse and exploitation by traffickers of such economic activities as the development of tourism and the export of labour;

4. Welcomes General Assembly resolution 50/167 of 22 December 1995, in which the Assembly invited the United Nations High Commissioner for Human Rights, in addressing the obstacles to the realization of the human rights of women, in particular, through his contacts with the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, to include the traffic in women and girls among his priority concerns;

5. Welcomes also the request by the General Assembly to the Commission on Human Rights to encourage the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities to continue to address the issue of the traffic in women and girls under its draft programme of action on the traffic in persons and the exploitation of the prostitution of others; 32/

6. Welcomes the decision of the General Assembly to focus the International Day for the Abolition of Slavery, 2 December 1996, on the problem of trafficking in human persons, especially women and children, and to devote one meeting of the fifty-first session of the General Assembly to the discussion of that problem; 33/

7. Decides to remain seized of this matter and to examine, at its forty-second session, the reports of the Special Rapporteurs and relevant organizations and bodies, with a view to making appropriate recommendations to the General Assembly at its fifty-third session, through the Economic and Social Council.

32/ General Assembly resolution 50/167, para. 9.

33/ Ibid., para. 12.

Resolution 40/5. International Research and Training Institute for the Advancement of Women*

The Commission on the Status of Women,

Recalling General Assembly resolution 50/163 of 22 December 1995, in which the Assembly reaffirmed the original mandate and distinct capacity of the International Research and Training Institute for the Advancement of Women to carry out research and training for the advancement of women, as stipulated in General Assembly resolution 3520 (XXX) of 15 December 1975,

Stressing the need for independent research to ensure that policy-making and project implementation address issues and emerging areas of concern to women and the role of the activities of the Institute therein,

1. Emphasizes the unique function of the International Research and Training Institute for the Advancement of Women as the only entity within the United Nations system devoted exclusively to research and training for the advancement of women and their integration in the development process, and stresses the importance of making its research findings available for policy purposes, as background for operational activities and for the implementation of the Platform for Action adopted by the Fourth World Conference on Women; 34/

2. Reaffirms paragraph 360 of the Platform for Action, in which it is stated that, recognizing the roles of United Nations funds, programmes and specialized agencies, in particular the roles of the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, in the promotion of the empowerment of women, and therefore in the implementation of the Platform for Action within their respective mandates, *inter alia*, in research, training and information activities for the advancement of women, as well as technical and financial assistance to incorporate a gender perspective in development efforts, the resources provided by the international community need to be sufficient and should be maintained at an adequate level;

3. Stresses the need for the Institute to further develop active and close cooperation with the specialized agencies and related organizations of the United Nations system and with other institutions;

4. Recognizes the special role that the Institute must play in the implementation of the Platform for Action;

5. Commends the efforts of the Institute to address all levels of poverty that hamper so dramatically the advancement of women, through the coordination of research and training activities in the areas of economic and political empowerment of women; statistics and indicators in gender issues; communications; women, natural resources and sustainable development; water, sanitation and waste management; renewable sources of energy; and issues related to different population groups, such as the girl child, older women, displaced women, refugee and migrant women and women in rural areas;

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* For the discussion, see chap. II, paras. 48-50.

34/ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II.

6. *Urges* the Secretary-General to implement the mandates set out in General Assembly resolution 49/163 of 20 December 1994.

Resolution 40/6. *Violence against women migrant workers**

The Commission on the Status of Women,

Bearing in mind the Charter of the United Nations, which reaffirms faith in human rights and fundamental freedoms, in the dignity and worth of the human person, and in the equal rights of women and men,

Reaffirming the principles set forth in the Universal Declaration of Human Rights 35/ and the Convention on the Elimination of All Forms of Discrimination against Women, 36/

Recalling General Assembly resolutions 47/96 of 16 December 1992, 48/110 of 20 December 1993, 49/165 of 23 December 1994 and 50/168 of 22 December 1995 and Commission on the Status of Women resolutions 38/7 of 18 March 1994 37/ and 39/7 of 31 March 1995, 38/ as well as the Declaration on the Elimination of Violence against Women adopted by the General Assembly at its forty-eighth session, 39/ and general recommendation 19 on violence against women of the Committee on the Elimination of Discrimination against Women,

Welcoming the conclusions and recommendations made by recent international conferences, including the World Conference on Human Rights held in Vienna in June 1993, the International Conference on Population and Development held in Cairo in September 1994, the World Summit for Social Development held in Copenhagen in March 1995 and the Fourth World Conference on Women held in Beijing in September 1995, on the promotion and protection of the rights and fundamental freedoms of women, including women migrant workers,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of poverty, unemployment and other socio-economic conditions,

Recognizing that it is the duty of sending countries to protect and promote the interests of their citizens who seek or receive employment in other countries, to provide them with appropriate training/education and to apprise them of their rights and obligations in the countries of employment,

Aware of the moral obligation of receiving or host countries to ensure the human rights and fundamental freedoms of all persons within their boundaries, including migrant workers, who are doubly vulnerable because of their gender and their being foreigners,

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* For the discussion, see chap. II, para. 51-53.

35/ General Assembly resolution 217 A (III).

36/ General Assembly resolution 34/180.

37/ *Official Records of the Economic and Social Council, 1994, Supplement No. 7* (E/1994/27), chap. I, sect. C.

38/ Ibid., *1995, Supplement No. 6* (E/1995/26), chap. I, sect. C.

39/ General Assembly resolution 48/104.

Noting the measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Noting with concern, however, the continuing reports of grave abuses and acts of violence committed against women migrant workers by some of their employers in some host countries,

Stressing that acts of violence directed against women impair or nullify women's enjoyment of their human rights and fundamental freedoms,

1. Calls upon States Members of the United Nations to adopt measures for the effective implementation of the Declaration on the Elimination of Violence against Women, including applying them to women migrant workers, as well as all relevant measures emanating from recent world conferences;

2. Invites States concerned, specifically those sending and receiving women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them, adopting specific measures to address these problems, setting up, as appropriate, linguistically and culturally accessible services and mechanisms to implement those measures and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of society in which they reside;

3. Encourages States Members of the United Nations, particularly those from which women migrant workers originate and those that play host to them, to ensure the protection of the rights and fundamental freedoms of women migrant workers as defined by international conventions and agreements, taking into account the outcome of recent international conferences;

4. Calls upon Governments to adopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders, and to take measures to ensure the protection of women subjected to violence, access to just and effective remedies, including compensation and indemnification and healing of victims, and the rehabilitation of perpetrators;

5. Recognizes the vulnerability to violence and other forms of abuse of women migrants, including women migrant workers whose legal status in the host country depends on the employers who may exploit their situation;

6. Encourages Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; 40/

7. Calls upon States to explore the possibility of adopting measures to prevent the victimization of women migrant workers by sexual traffickers and to penalize those traffickers, including the ratification of the Convention for the

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40/ General Assembly resolution 45/158.

Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; 41/

8. Recommends to the United Nations High Commissioner for Human Rights, the Centre for Human Rights of the Secretariat and the Special Rapporteur of the Commission on Human Rights on violence against women, as well as all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women, to give particular attention to the issue of violence perpetrated against women migrant workers, and to provide information to the Secretary-General for inclusion in his report to the General Assembly;

9. Welcomes the scheduled holding from 27 to 31 May 1996 of a United Nations expert group meeting on the issue of violence against women migrant workers, with the participation of the Special Rapporteur of the Commission on Human Rights on violence against women, pursuant to General Assembly resolution 50/168, to submit recommendations for improving coordination of the various efforts of United Nations organizations on the issue of violence against women migrant workers, and to develop concrete indicators as a basis for determining the situation of women migrant workers, for submission, through normal channels, to the General Assembly at its fifty-first session.

Resolution 40/7. Attainment of strategic objectives and action to be taken in the critical area of concern: women and the media*

The Commission on the Status of Women,

Recalling the Declaration on the Elimination of Violence against Women, adopted in 1993, 42/

Referring to the Toronto Platform for Action 43/ concerning the access of women journalists to expression and decision-making,

1. Reaffirms the provisions of the Platform for Action adopted by the Fourth World Conference on Women, 44/ in particular paragraphs 131 and 135 on violations of the human rights of women and on religious intolerance, violence and terrorism suffered by women because of their place in society and their sex;

2. Also reaffirms paragraph 145 (f) of the Platform for Action, which calls upon the international community to condemn and combat all forms and manifestations of terrorism;

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* For the discussion, see chap. II, paras. 54-56.

41/ General Assembly resolution 317 (IV).

42/ General Assembly resolution 48/104.

43/ Adopted by the International Symposium of the United Nations Educational, Scientific and Cultural Organization on the topic "Women and media: access to expression and decision-making", held at Toronto, Canada, from 28 February to 3 March 1995.

44/ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II.

3. Acknowledges that journalists, in particular women journalists, because of their profession and their gender, are an easy and favourite target for violent acts, intolerance and terrorist attacks;

4. Condemns the murders and acts of violence and terrorism committed against women journalists, particularly in Algeria, because of their sex and their profession;

5. Commends all the women who continue, with courage, sacrifice and determination, to make their contribution, through the media, to improving the status of women;

6. Appeals to the United Nations, the United Nations Educational, Scientific and Cultural Organization and the international community to join their efforts in order to intensify, in accordance with the Platform for Action, efforts to combat terrorism and all forms of intolerance and violence and all violations of the human rights of women, which are a major obstacle to achieving the objectives of equality, development and peace proclaimed in the Nairobi Forward-looking Strategies for the Advancement of Women. 45/

Resolution 40/8. Elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women*

The Commission on the Status of Women,

Recalling that the Vienna Declaration and Programme of Action 46/ and the Beijing Declaration and Platform for Action 47/ called on Governments to support the process to elaborate a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women,

Welcoming the process initiated by the in-session Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,

1. Requests the Secretary-General to invite Governments, intergovernmental organizations and non-governmental organizations to submit additional views on an optional protocol to the Convention, taking into account the elements contained in suggestion 7, adopted by the Committee on the Elimination of

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* For the discussion, see chap. IV.

45/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

46/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

47/ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annexes I and II.

Discrimination against Women at its fourteenth session, 48/ as well as the deliberations of the Working Group;

2. Requests the Secretary-General to submit to the Commission on the Status of Women at its forty-first session a comprehensive report, including a synthesis of the views requested in paragraph 1 above;

3. Also requests the Secretary-General to provide to the Commission on the Status of Women at its forty-first session a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations;

4. Recommends that the Economic and Social Council adopt the draft decision entitled "Renewal of the mandate of the open-ended Working Group on the Elaboration of a draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women". 49/

Resolution 40/9. Implementation of strategic objectives and action in the critical area of concern: poverty*

The Commission on the Status of Women,

Recalling General Assembly resolution 50/203 of 22 December 1995 on the follow-up to the Fourth World Conference on Women,

Recalling also General Assembly resolution 49/110 of 19 December 1994 and other relevant resolutions of the Assembly related to international cooperation for the eradication of poverty in developing countries,

Recalling further Assembly resolution 50/107 of 20 December 1995 on the observance of the International Year for the Eradication of Poverty and proclamation of the first United Nations Decade for the Eradication of Poverty,

Reaffirming the importance of the outcome of the Fourth World Conference on Women held in Beijing from 4 to 15 September 1995, as well as all the United Nations major conferences and summits organized since 1990, in particular the World Summit for Social Development held in Copenhagen in March 1995,

Recognizing that the eradication of poverty will require the implementation and integration of strategies at the national and international levels in all the critical areas of concern in the Platform for Action adopted by the Fourth World Conference on Women, 50/

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* For the discussion, see chap. II, paras. 62-69.

48/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 38 (A/50/38), chap. I, sect. B.

49/ For the text of the draft decision, see chap. I, sect. B, draft decision I.

50/ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II.

Taking note of the report of the Secretary-General on poverty 51/ in the follow-up to the Fourth World Conference on Women and of the discussion that took place on this issue during the fortieth session of the Commission on the Status of Women,

Reaffirming General Assembly resolutions 50/173 of 22 December 1995 on the United Nations Decade for Human Rights Education, 1995-2004, and 49/184 of 23 December 1994, in which the Assembly expressed the conviction that each woman, man and child, to realize their full human potential, must be made aware of all their human rights and fundamental freedoms, including the right to development,

Recognizing that mainstreaming a gender perspective into all policies and programmes aimed at combating poverty is crucial, as women constitute the majority of people living in poverty,

Recognizing also that the full implementation of the human rights of women and of the girl child, as an inalienable, integral and indivisible part of all human rights and fundamental freedoms, is essential for the advancement of women,

Recognizing further that the commitment of Governments is of fundamental importance in combating poverty and in improving living conditions for women and men,

Recognizing that national and international efforts to eradicate poverty require full and equal participation of women in the formulation and implementation of policies that take fully into account the gender perspective and that empower women to be full partners in development,

Emphasizing that empowering women is a critical factor in the eradication of poverty, since women constitute the majority of people living in poverty and contribute to the economy and to the combating of poverty through both their unremunerated and remunerated work at home, in the community, and in the workplace,

Recognizing that poverty is a global problem affecting all countries and that the complexity of poverty, including the feminization of poverty, requires a wide range of measures and actions, at the national and the regional level, giving particular priority to the situation of women living in poverty and recognizing the need to improve their access to income, education, health care and other resources,

Recognizing also that more women than men live in absolute poverty and that the imbalance is on the increase, resulting in the limited access of women to income, resources, education, health care, nutrition, shelter and safe water in all developing countries, particularly in Africa and in the least developed countries,

Recognizing further that a large number of women in countries with economies in transition are also affected by poverty,

Bearing in mind that the increasing number of women living in poverty in developing countries, both in rural and in urban areas, requires action by the international community in support of actions and measures at the national and

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51/ E/CN.6/1996/CRP.3.

regional levels towards the eradication of poverty within the framework of the Beijing Declaration 52/ and Platform for Action adopted by the Fourth World Conference on Women,

Stressing the necessity of promoting and implementing policies to create a supportive external economic environment, through, inter alia, cooperation in the formulation and implementation of macroeconomic policies, trade liberalization, mobilization and/or the provision of new and additional financial resources that are both adequate and predictable and mobilized in a way that maximizes the availability of such resources for sustainable development, using all available funding sources and mechanisms, enhanced financial stability and ensuring increased access of developing countries to global markets, productive investment and technologies, and appropriate knowledge,

1. Recognizes the central role that women play in the eradication of poverty, and stresses the need for their full and equal participation in the formulation and implementation of policies that take fully into account the gender perspective and that empower women to be full partners in development;

2. Stresses that the empowerment and autonomy of women and the improvement of women's social, economic and political status are essential for the eradication of poverty and that the full and equal participation of women in decision-making at all levels is an integral part of the process;

3. Recognizes that the eradication of poverty is both a complex and a multidimensional issue, and fundamental to promoting equality between men and women as well as to reinforcing peace and achieving sustainable development;

4. Reaffirms that the promotion and protection of, and respect for, the human rights and fundamental freedoms of women, including the right to development, which are universal, indivisible, interdependent and interrelated, should be mainstreamed into all policies and programmes aimed at the eradication of poverty, and reaffirms as well the need to take measures to ensure that every person is entitled to participate in, to contribute to and to enjoy economic, social, cultural and political development;

5. Stresses that mainstreaming the gender perspective implies examining the ways in which women and men are affected by poverty, the different assets they possess to address the question and their respective contributions and potentials;

6. Also stresses that both mainstreaming and other positive actions should be regarded as complementary strategies aimed at enabling the full release of women's and men's development potential and at eradicating poverty;

7. Urges all Governments to fulfil their commitments in the Platform for Action to develop, preferably by the end of 1996, national implementation strategies or plans of actions that should also focus on the reduction of overall poverty and on the eradication of absolute poverty, with targets, benchmarks for monitoring and proposals for allocation or reallocation of resources for implementation, including resources for undertaking gender impact

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52/ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annexes I and II.

analysis; where necessary the support of the international community could be enlisted, including resources;

8. Urges all Governments, the United Nations system, including the Bretton Woods institutions, and civil society, to implement the Platform for Action in its entirety;

9. Emphasizes that, in addition to the commitments and recommendations regarding the eradication of poverty outlined in the Programme of Action of the World Summit for Social Development 53/ and in the Platform for Action adopted by the Fourth World Conference on Women, specific measures in the Platform for Action should be undertaken to address the feminization of poverty and to mainstream a gender perspective in all policies and programmes for the eradication of poverty, including, inter alia, measures to:

(a) Develop and implement education, training and retraining policies for women and girls;

(b) Undertake legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies;

(c) Promote the participation of women at all levels of decision-making;

(d) Develop national strategies for promoting employment and self-employment, including entrepreneurial and organizational skills, in order to generate income for women;

(e) Adopt policies to ensure that all women have adequate economic and social protection during unemployment, ill health, maternity, child-bearing, widowhood, disability and old age and that women, men and society share responsibilities for child and other dependant care;

(f) Restructure and target the allocation of public expenditures to promote women's economic opportunities and equal access to productive resources and to address the basic social, educational and health needs of women, including access to safe water, particularly of those living in poverty;

(g) Develop gender-based methodologies and conduct research for use in designing more effective policies to recognize and value the full contribution of women to the economy through both their unremunerated and renumerated work and to address the feminization of poverty, in particular the relationship between unremunerated work and women's vulnerability to poverty;

(h) Develop gender-based methodologies and conduct research to address the contribution of women to the economy, the feminization of poverty, and the economic and social impact of debt and structural adjustment programmes in all developing countries, particularly in Africa and the least developed countries;

(i) Analyse, from a gender perspective, macroeconomic and microeconomic policies, and the allocation of public expenditures, which should be designed and implemented with the full and equal participation of women so as to avoid negative impacts on women living in poverty;

53/ Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (A/CONF.166/9), chap. I, resolution 1, annex II.

(j) Reduce excessive military expenditures and investments for arms production and acquisition, as is appropriate and consistent with national security requirements, in order to increase resources for social and economic development;

10. Calls for the implementation of the outcome of all other major United Nations conferences and summits related to the eradication of poverty;

11. Calls upon States to undertake all commitments of the Copenhagen Declaration on Social Development, [54] taking into account commitments 2 and 5 and the linkages between them, in their efforts to eradicate poverty, and also calls upon all relevant actors to implement promptly the actions and measures for the eradication of poverty, as contained in the Programme of Action of the World Summit for Social Development; [55]

12. Stresses the need to fully integrate a gender perspective into the work of all thematic task forces relating to the eradication of poverty established by the Administrative Committee on Coordination, as well as the importance of establishing the proposed inter-agency committee on the follow-up to the Fourth World Conference on Women;

13. Recommends that a United Nations system-wide effort be undertaken to review existing indicators, strengthen gender impact analysis of the design and implementation of economic reform programmes, develop complementary, qualitative assessments, and standardize measures and promote their implementation, and stresses that this effort will necessitate effective coordination;

14. Also recommends that the secretariats of the United Nations system, including the Bretton Woods institutions, incorporate a coherent method of including both the mainstreaming of the gender perspective and specific gender programmes to achieve equality between women and men in the operational activities, staffing and decision-making spheres of the system;

15. Stresses that the United Nations system, including the Bretton Woods institutions, should play a central role in enhancing financial and technical support and assistance for developing countries, particularly African countries and least developed countries, in their efforts to achieve the objectives of the eradication of poverty and the full integration of a gender perspective into all policies and programmes, as set forth in the Beijing Declaration and Platform for Action, particularly the goal of the eradication of poverty;

16. Recognizes that the implementation of the Platform for Action in the countries with economies in transition will also require continued international cooperation and assistance, in support of national efforts;

17. Stresses the importance of using all available funding sources and mechanisms with a view to contributing towards the goal of poverty eradication and targeting of women living in poverty;

18. Calls upon States committed to the initiative of allocation of 20 per cent of official development assistance and 20 per cent of the national budget to basic social programmes to fully integrate a gender perspective into

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[54] Ibid., annex I.

[55] Ibid., annex II, chap. II.

its implementation, as called for in paragraph 16 of General Assembly resolution 50/203;

19. Invites all countries, the United Nations system, including the Bretton Woods institutions, relevant international organizations, non-governmental organizations, the private sector, and all other sectors to contribute to the implementation of programmes aimed at eradicating poverty;

20. Stresses the need for a coherent and coordinated approach among all partners in development in the implementation of national poverty eradication plans or programmes that fully take into account the gender perspective;

21. Also stresses the need for gender-sensitive training, with the assistance of United Nations organizations, of those responsible for the formulation and implementation of development policies and programmes;

22. Further stresses the important role of non-governmental organizations as actors involved at the grass-roots level in the policy dialogue designed to reach women through poverty eradication programmes and calls for further efforts to identify ways by which those non-governmental organizations could contribute to the implementation of such programmes;

23. Recommends that the Economic and Social Council, when examining the "Coordination of the activities of the United Nations system for the eradication of poverty" as the theme for the coordination segment of the substantive session of 1996 of the Council, ensure that the relevant organs of the United Nations system take fully into account the gender perspective in their activities for the eradication of poverty, and, likewise, requests that the Council recommend to the General Assembly that the gender dimension of poverty be incorporated into all activities and documentation related to the first United Nations Decade for the Eradication of Poverty;

24. Stresses the need to fully integrate a gender perspective into the coordinated follow-up to major United Nations conferences and summits and recommends that the Economic and Social Council examine, on a regular basis, the extent to which gender factors have been taken into account in the recommendations of all the concerned functional commissions;

25. Requests the Secretary-General to keep in mind the multidimensional nature of poverty in the implementation and review of reports on all other critical areas of concern, taking into consideration the many links between the eradication of poverty and those other critical areas of concern;

26. Also requests the Secretary-General to report on the implementation of the present resolution within the framework of his report on action envisaged to be taken in preparation for the first United Nations Decade for the Eradication of Poverty.

Resolution 40/10. Comments on the proposed system-wide medium-term plan for the advancement of women, 1996-2001*

The Commission on the Status of Women,

Recalling Economic and Social Council resolution 1985/46 of 31 May 1985, in which the Council requested the formulation of a system-wide medium-term plan for women and development, and the resulting plan, 56/ as endorsed by the Council in its resolution 1987/86 of 8 July 1987,

Also recalling Council resolution 1988/59 of 27 July 1988, in which the Council requested the Secretary-General to initiate the formulation of a system-wide medium-term plan for the advancement of women for the period 1996-2001,

Noting that the Commission had before it at its thirty-seventh session a draft system-wide medium-term plan for the advancement of women, 1996-2001, 57/ and that the Council, in its resolution 1993/16 of 27 July 1993, adopted the proposal of the Commission on the Status of Women to invite the Secretary-General to revise the draft plan after the Platform for Action and the second review and appraisal of the Nairobi Forward-looking Strategies for the Advancement of Women 58/ had been formulated and adopted by the Fourth World Conference on Women,

Recognizing the role of the Council in overseeing system-wide coordination in the implementation of the Platform for Action, 59/

Recalling that Governments have the primary responsibility for implementing the Platform for Action,

Further recalling that the Platform for Action needs to be implemented through the work of all of the organizations and bodies of the United Nations system as an integral part of system-wide programming,

Recognizing that the Platform for Action calls upon the specialized agencies and other organizations of the United Nations system to strengthen their support for actions at the national level and to enhance their contributions to coordinated follow-up by the United Nations, each organization should set out the specific actions that it will undertake, including goals and targets to realign priorities and redirect resources to meet the global priorities identified in the Platform for Action, with a clear delineation of responsibility and accountability, all of which should be reflected in the system-wide medium-term plan for the advancement of women, 1996-2001, and stressing in this connection the need for appropriate mechanisms for coordination and cooperation,

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* For the discussion, see chap. II, paras. 83-88.

56/ E/1987/52.

57/ E/1992/43.

58/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

59/ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II.

Aware that the Platform for Action stresses that the responsibility for ensuring its implementation and the integration of a gender perspective into all policies and programmes of the United Nations system must rest at the highest levels,

Also aware that the Platform for Action recommends that the Council consider dedicating at least one coordination segment before the year 2000 to coordination of the advancement of women, based on the revised system-wide medium-term plan for the advancement of women,

Further aware that the Platform for Action recommends that the Council consider dedicating at least one operational activities segment before the year 2000 to the consideration of development activities related to gender, based on the revised system-wide medium-term plan for the advancement of women, with a view to instituting guidelines and procedures for implementation of the Platform for Action by the funds and programmes of the United Nations system,

Mindful that the Platform for Action requests the Secretary-General to assume responsibility for the coordination of policy within the United Nations for the implementation of the Platform for Action and for mainstreaming a system-wide gender perspective in all activities of the United Nations, and noting the appointment of a special adviser on gender issues,

1. Stresses that the system-wide medium-term plan for the advancement of women, 1996-2001 should be an effective instrument for promoting the coordinated implementation of the Beijing Platform for Action;

2. Takes note of the revised draft plan prepared by the Ad Hoc Inter-agency Meeting on Women; 60/

3. Recommends the adoption of the revised draft plan by the Economic and Social Council, taking into account the present resolution and the comments of the Commission contained in the annex to the present resolution;

4. Emphasizes the importance of a coherent approach and of the strategic orientation/focus of the United Nations system spelt out under each critical area of concern;

5. Stresses the importance of gender mainstreaming, including institutional follow-up and capacity-building;

6. Recommends that the system-wide medium-term plan for the advancement of women, 1996-2001 serve as a monitoring and coordination tool at all levels for system-wide progress in implementing actions under each critical area of concern in the Platform for Action;

7. Stresses the importance of involving all parts of the United Nations in the implementation of the Platform for Action, including the decision-making level;

60/ E/CN.6/1996/CRP.2.

8. Invites the United Nations bodies that meet under the auspices of the Administrative Committee on Coordination to regularly discuss progress made in implementing activities under each area of critical concern, taking into account the long-term programme of work of the Commission on the Status of Women and the Economic and Social Council, and to provide up-to-date information in those areas to the Council through the Commission, taking into consideration the comments made on the plan by the Commission and other relevant bodies;

9. Recommends that the Council, through the Commission, follow up the implementation of the plan and undertake a comprehensive mid-term review of the implementation of the plan as a basis for future programming and coordination of activities for the advancement and empowerment of women by the United Nations system, including a review of the progress made in mainstreaming a gender perspective in all activities of the United Nations system;

10. Invites the Secretary-General to submit to the Council for its consideration of the revised draft plan the comments of the Committee for Programme and Coordination and the Administrative Committee on Coordination, along with the comments of the Commission;

11. Recommends that the Administrative Committee on Coordination and the proposed inter-agency committee on the follow-up to the Fourth World Conference on Women use the plan and comments on it as a basis for monitoring increasing collaboration and cost-effective approaches to United Nations system activities for the advancement and empowerment of women, including the assessment of methods for mainstreaming a gender perspective in all United Nations activities, ensuring accountability and carrying out impact analyses of gender-sensitive programmes and policies;

12. Recommends that the Council request the Secretary-General to submit to it, through the Commission at its forty-second session, a progress report on the implementation of the plan;

13. Requests the Secretary-General to ensure the mainstreaming of a system-wide gender perspective in all United Nations activities, including in decision-making as part of the accountability of senior managers;

14. Urges the Secretary-General to implement the decision taken by the General Assembly at its fiftieth session to strengthen the capacity of the Division for the Advancement of Women, and emphasizes the need to provide the necessary resources in the current revision of the programme budget for the biennium for the comprehensive follow-up of the Platform for Action; the reformulation of policies and reallocation of resources may be needed within and among programmes, without prejudice to development programmes, but some policy changes may not necessarily have financial implications; mobilization of additional resources, both public and private, including resources from innovative sources of funding, may also be necessary;

15. Requests the Secretary-General, in the implementation of the Platform for Action, to integrate a gender perspective in budgetary decisions on policies and programmes and to assure adequate financing of specific programmes for securing equality between women and men;

16. Recommends that the Council request the formulation of a new system-wide medium-term plan for the advancement of women to cover the period 2002-2005, and that the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination, submit the new draft plan to the

Council at its substantive session of 2000 in order to provide guidance to the medium-term plans of the individual organizations of the United Nations system, and that the draft of the proposal be submitted to the Commission on the Status of Women at its forty-fourth session for comment.

Annex

COMMENTS OF THE COMMISSION ON THE STATUS OF WOMEN ON THE PROPOSED SYSTEM-WIDE MEDIUM-TERM PLAN FOR THE ADVANCEMENT OF WOMEN, 1996-2001*

I. GENERAL COMMENTS

1. The system-wide medium-term plan for the advancement of women, 1996-2001 needs to be more than a compilation of what the organizations of the United Nations system are doing.

2. More emphasis should be given to coordination and collaboration between different organizations and actors.

3. The concept of visible mainstreaming should be better reflected in the indicative planning of the system.

4. In many cases, although multiple actors are identified under actions to be taken, the list of actors under different critical areas of concern should not be exclusive; the possibility of identifying lead agencies should be explored.

5. More emphasis should be placed on policy coordination and the implementation of policies and guidance by establishing a real bridge between research and analysis, function and operational activities.

6. The United Nations Secretariat as a whole should undertake activities in the critical areas of concern - not only those entities that have a specific mandate on the advancement of women and the operational agencies. Certain entities of the Secretariat, such as the Executive Office of the Secretary-General, the Department of Political Affairs, the Department for Policy Coordination and Sustainable Development, the Office of Legal Affairs and the Department of Humanitarian Affairs, are not included in these activities. As another example, the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome needs to be better reflected in the system-wide medium-term plan.

7. A more strategic orientation on the mainstreaming of a gender perspective within the work of the United Nations is needed.

8. The system-wide medium-term plan should have more focus on outputs and results to be achieved.

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* The proposed system-wide medium-term plan for the advancement of women, 1996-2001 was before the Commission in document E/CN.6/1996/CRP.2.

II. SPECIFIC COMMENTS

A. Women and poverty

9. More emphasis should be placed on the need for joint efforts by the United Nations system as regards the use of gender-disaggregated data and the development of indicators to monitor trends in poverty from a gender perspective.

10. Insufficient attention is given to an understanding of the underlying causes of poverty. The system-wide medium-term plan should reinforce the principle that resources allocated to development policies and programmes aimed at the eradication of poverty should not be diverted to emergency relief assistance.

11. The notion that women's empowerment and the promotion and protection of their human rights are fundamental for the achievement of development, should also be better reflected in the plan.

12. The integration of a gender dimension in the design and implementation of both macroeconomic and micro-economic policies, including structural adjustment programmes, is crucial. The system-wide medium-term plan highlights this as regards both research/analysis and operational activities. It is surprising, however, that no reference is made to the role of the World Bank in paragraph 29 or to United Nations funds and programmes (the United Nations Development Programme, the United Nations Children's Fund and the United Nations Population Fund).

13. There is a need for all United Nations bodies to be involved in development cooperation activities to mainstream a gender perspective into all their policies and programmes. This would imply the integration of gender analysis and the development of gender expertise both at Headquarters and in the field.

B. Education and training of women

14. Action within the United Nations Secretariat should include analysis and monitoring of data, policy development and coordination of action by various parts of the United Nations. Currently action is limited almost exclusively to United Nations agencies. There are limited references to the Division for the Advancement of Women of the Department for Policy Coordination and Sustainable Development and the Department of Public Information.

15. The United Nations system should consider how to integrate lifelong education and training throughout the activities of the system and promote similar action at the national level. Appropriate support mechanisms for teaching in difficult, especially violent, situations should be established.

16. Data collection and research should include wider activities of the Department for Economic and Social Information and Policy Analysis.

17. Data collection should focus on data not currently available. Existing data may need to be presented in a different format to be useful to relevant committees but duplication of data collection should be avoided.

18. Measures that encourage the participation of girls and women in science and technology in primary, secondary and further education should be included.

C. Women and health

19. All the items in this section should be updated to reflect accurately the language from the Programme of Action of the International Conference on Population and Development 61/ and the Fourth World Conference on Women Platform for Action. 59/

20. All relevant parts of the Platform for Action need to be implemented at all levels.

21. All relevant actors throughout the United Nations, including the Department for Economic and Social Information and Policy Analysis, the United Nations Population Fund and the Centre for Human Rights need to be involved in the implementation.

22. The gender aspects of AIDS should be better integrated into United Nations activities. The heavy burden of care that is often placed on caregivers, in particular women, needs to be addressed.

23. The general comments need to avoid duplication of activity. It should be recognized, however, that more than one actor will have an interest in each area.

24. The involvement of men needs to be further addressed, as does the encouragement of men and women to take responsibility for their sexual and reproductive behaviour.

25. The need to integrate education on reproductive and sexual health, including family planning, into all population and development programmes should be addressed.

26. Insufficient consideration has been given to the issue of women and health and to the activities proposed to deal with the graver problems of the health of women and girls. High priority should be given to eliminating the major causes of death in women and girls.

27. References to equality in the utilization of health care should be understood to mean provision in response to need because women often make greater use of health-care services; the need for equality of access to health care should be reaffirmed.

D. Violence against women

28. Actions contained in the system-wide medium-term plan in relation to strategic objective D.3 (Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking) of the Platform for Action are very limited, as is the list of organizations involved.

61/ Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

E. Women and armed conflict

29. The focus under this critical area of concern should be on actions to be taken by the United Nations system consistent with the Charter of the United Nations in order to protect women who are victims or who are at risk of becoming victims, of armed conflict from violence and abuse.

30. Measures should be further elaborated to raise awareness of women's rights in armed conflict, and should be applied, inter alia, in the training of police, military personnel, health workers, teachers and managers of camps for refugee/displaced persons.

31. Measures to promote the more active participation of women in conflict resolution need to be addressed as the equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security. However, the system-wide medium-term plan should not assume - as it now does - that there are major differences between women's and men's attitudes to peace, security and conflict resolution.

F. Women and the economy

32. In relation to the care of children and dependants and the sharing of family responsibilities, child care and dependant care need to be provided as integral parts of the concept of gender equality and gender analysis, and Convention No. 156 of the International Labour Organization needs to be promoted.

33. In operational activities, there should be a greater commitment to the provision of care of children and dependants.

34. The work on indicators should be better coordinated. The World Bank should also be associated with the analysis of data on globalization and change in international work patterns.

35. In operational activities, there should be a clearer reference to United Nations system assistance to Governments in implementing policies to ensure women equal rights with men to economic resources; this should include access to ownership and control over land and other forms of property, credit, inheritance, natural resources and new technologies.

36. As regards work and employment, there should be a more comprehensive approach to methods of measuring and disseminating information on types, extent and distribution of unremunerated work, in keeping with the relevant paragraphs of the Platform for Action, particularly paragraph 165 (g).

37. As regards women in the rural sector, as reflected in paragraphs 137 and 138 of the system-wide medium-term plan, there should be more emphasis on the concepts contained in the Platform for Action, in particular paragraph 166 (c).

38. The collective capacity of the United Nations system to promote gender analysis and policy advice on the impact of global economic issues on women, particularly the effects of economic restructuring programmes and other macroeconomic policies, should be utilized to the full.

G. Women in power and decision-making

39. The word "parity" is not used in the Platform for Action and should not be used in the system-wide medium-term plan.

40. Decision-making should be addressed at all levels.

41. Activities within the United Nations Secretariat in this area of concern need to be strengthened.

42. The United Nations Statistics Division should collect and publicize statistics (in a yearly publication) on the number of women and men throughout the United Nations system at all levels, including their regional and subregional composition by gender.

43. Research on representation of men in fields where they are underrepresented should be added.

44. Dialogue with local communities and civil society and their participation in development activities need to be strengthened.

H. Institutional mechanisms for the advancement of women

45. The United Nations system should take into account that the main task of national machineries for the advancement of women is to support government-wide mainstreaming of a gender perspective in all policy areas, and that Governments should create or strengthen national machineries and other governmental bodies for the advancement of women.

46. Providing support to Governments and technical assistance on how to strengthen institutional capacities for the advancement of women requires that a broader range of actions be considered than those reflected in the system-wide medium-term plan, which focus particularly on the collection, use and dissemination of data. Including gender capacity-building elements in national plans and development strategies, as well as in supportive efforts provided by international cooperation, should be considered.

I. Human rights of women

47. It should be emphasized that women's rights are human rights.

48. It should also be emphasized that the human rights of women and of the girl child are an inalienable, integral and indivisible part of all human rights and fundamental freedoms.

49. It should be stressed that this is one of the priority objectives of the United Nations.

50. The United Nations should develop a comprehensive policy programme for mainstreaming the human rights of women throughout the United Nations system, emphasizing the strengthening of the cooperation and coordination between different entities of the United Nations in the promotion and protection of the human rights of women.

51. The Centre for Human Rights should take into account the Programme of Action of the International Conference on Population and Development and the Platform of Action of the Fourth World Conference in all aspects of the human rights of women.

52. Integration of the human rights of women in all activities of the United Nations should be emphasized.

J. Women and the media

53. This section should be updated in the light of the Platform for Action and the Programme of Action of the World Summit for Social Development.

54. The activities of all parts of the United Nations Secretariat should be reflected, not just those of the Division for the Advancement of Women and the Department of Public Information. A gender element is needed in all programmes.

55. Emphasis should be placed on the ability to communicate in order to get the mainstreaming message across.

56. Public information and outreach should be undertaken by all parts of the United Nations system. Mainstreaming a gender perspective into all publications is essential. The role of women in political activity, as well as in the social and economic activity in the United Nations system, is important. Not only should agencies that have traditionally had a role in this critical area of concern undertake activities, but also others should get more involved in the future.

K. Women and the environment

57. In the indication of areas of research, more emphasis should be given to the issues identified in paragraph 258 (b) of the Platform for Action.

58. The work on indicators should be integrated with the work initiated under the aegis of the Commission on Sustainable Development.

L. The girl child

59. Educating the girl child about rights guaranteed to her under international human rights instruments should be given more importance.

60. Health should be emphasized, including reproductive and sexual health and information on human immunodeficiency virus/acquired immunodeficiency syndrome.

M. Institutional arrangements

61. More attention should be given to measures to promote mainstreaming of a gender perspective into all policies and programmes of the United Nations.

62. Clarification has to be sought on progress regarding innovative mobilization of resources.

63. Experiences from bilateral and regional cooperation should be taken into account by indicating best practices and the importance of policy dialogue and country strategies.

64. The role of the Economic and Social Council and the importance of coordinated follow-up of all major United Nations conferences should be further highlighted.

Decision 40/101. Reports relating to follow-up to the Fourth World Conference on Women

At its 16th meeting, on 22 March 1996, the Commission on the Status of Women took note of the following reports relating to follow-up to the Fourth World Conference on Women:

(a) Report of the Secretary-General on the mandate, methods of work and multi-year work programme of the Commission on the Status of Women; 62/

(b) Report of the Secretary-General on ways to enhance the capacity of the Organization and of the United Nations system to support the ongoing follow-up to the Conference; 63/

(c) Report of the Secretary-General on the elimination of stereotyping in the mass media; 64/

(d) Report of the Secretary-General on child and dependant care, including the sharing of work and family responsibilities; 65/

(e) Report of the Secretary-General on education for peace; 66/

(f) Report of the Secretary-General on the improvement of the status of women in the Secretariat; 67/

(g) Report of the Secretary-General on the implementation of General Assembly resolution 50/166 on the role of the United Nations Development Fund for Women in eliminating violence against women. 68/

62/ E/CN.6/1996/2.

63/ E/CN.6/1996/3.

64/ E/CN.6/1996/4.

65/ E/CN.6/1996/5

66/ E/CN.6/1996/6.

67/ E/CN.6/1996/7.

68/ E/CN.6/1996/11.

Chapter II

FOLLOW-UP TO THE FOURTH WORLD CONFERENCE ON WOMEN

1. The Commission considered item 3 of its agenda at the 1st to 12th and 14th to 16th meetings, from 11 to 15, 18 and 20 to 22 March 1996. It had before it the following documents:

(a) Report of the Secretary-General on the mandate, methods of work and multi-year work programme of the Commission (E/CN.6/1996/2);

(b) Report of the Secretary-General on ways to enhance the capacity of the Organization and of the United Nations system to support the ongoing follow-up to the Conference (E/CN.6/1996/3);

(c) Report of the Secretary-General on the elimination of stereotyping in the mass media (E/CN.6/1996/4);

(d) Report of the Secretary-General on child and dependant care, including the sharing of work and family responsibilities (E/CN.6/1996/5);

(e) Report of the Secretary-General on education for peace (E/CN.6/1996/6);

(f) Report of the Secretary-General on the improvement of the status of women in the Secretariat (E/CN.6/1996/7);

(g) Report of the Secretary-General on the situation of and assistance to Palestinian women (E/CN.6/1996/8);

(h) Report of the Secretary-General on the extent to which violations of women's human rights have been addressed by human rights mechanisms (E/CN.6/1996/9);

(i) Note by the Secretary-General on the implementation of General Assembly resolution 50/166 on the role of the United Nations Development Fund for Women in eliminating violence against women (E/CN.6/1996/11);

(j) Note by the Secretary-General on violence against women migrant workers (E/CN.6/1996/12);

(k) Report of the Secretary-General on the joint work plan of the Division for the Advancement of Women and the Centre for Human Rights (E/CN.6/1996/13);

(l) Note by the Secretary-General containing proposals for the medium-term plan for the period 1998-2001 (E/CN.6/1996/14);

(m) Note by the Secretary-General transmitting the results of the fifteenth session of the Committee on the Elimination of Discrimination against Women (E/CN.6/1996/CRP.1);

(n) Report of the Secretary-General on the proposed system-wide medium-term plan for the advancement of women, 1996-2001 (E/CN.6/1996/CRP.2);

(o) Report of the Secretary-General on poverty (E/CN.6/1996/CRP.3).

Implementation of strategic objectives and action in the critical areas of concern: poverty (agenda item 3 (c) (i))

2. At the 5th meeting, on 13 March, the Commission held a panel discussion on the sub-item and heard presentations by the following experts: Aruna Rao, Consultant, Bangladesh Rural Advancement Committee; Ishrat Husain, Director, Poverty and Social Policy Department, World Bank; Jennifer Riria-Ouko, Managing Director, Kenya's Women's Finance; Mubyarto Martodinoto, Assistant State Minister for Eradication of Poverty, Ministry of National Development Planning of Indonesia; Gastón Ibáñez, Minister and Deputy Permanent Representative of Peru; Elisabeth d'Hondt, Director, Division for Women in Development, Family and Youth Issues, Federal Ministry for Development and Cooperation, Germany.

3. The Chairperson made a statement.

4. At the same meeting, the Commission held a dialogue among Governments, in which the following delegations participated: the Dominican Republic, Congo, Ecuador, South Africa, Italy (on behalf of the States Members of the United Nations that are members of the European Union), Bulgaria, China, Pakistan, Nigeria, Zimbabwe, Algeria, Australia, Mali, Côte d'Ivoire, Costa Rica and Tunisia.

5. The representative of the Ad Hoc Inter-agency meeting on Women made a statement.

6. The observers for Soroptimist International and a poverty caucus of non-governmental organizations also made statements.

7. The panellists responded to points raised.

8. At the 6th meeting, on 13 March, the Commission held a dialogue with representatives of organizations of the system, including the Bretton Woods institutions, and heard presentations by the Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and by the representatives of the United Nations Population Fund, the World Bank, the United Nations Development Fund for Women, the United Nations Children's Fund, the International Labour Organization and the United Nations Development Programme.

9. A statement was made by the Chairperson.

10. The following delegations participated in the dialogue: Sudan, Antigua and Barbuda, Ghana, Netherlands, Guinea-Bissau, Canada, United Republic of Tanzania, Dominican Republic, Russian Federation, Costa Rica, Togo, Finland, Swaziland, Namibia, Mexico, Guinea and United States of America.

11. The observer for the Commonwealth Secretariat made a statement.

12. The observer for the poverty caucus of non-governmental organizations also made a statement.

13. The panellists responded to points raised.

14. At the 7th meeting, on 14 March, the Chairperson summarized the discussion and dialogues held on the sub-item.

15. At the same meeting, the Commission held a dialogue among Governments, in which the following delegations participated: Cuba, United States of America, Tunisia, Republic of Korea, Chile, Bulgaria, Namibia, Italy (on behalf of the States Members of the United Nations that are members of the European Union), Côte d'Ivoire, Ireland, Dominican Republic, Austria, Nigeria, Canada, Japan, Malaysia, Ethiopia, Portugal, Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77), France, China, Pakistan, Sudan, Finland, Sweden, Australia, Antigua and Barbuda and Mexico.

16. The observers for the following non-governmental organizations also spoke: Federally Employed Women and Women's International League for Peace and Freedom.

Implementation of strategic objectives and action in the critical areas of concern: women and the media (agenda item 3 (c) (ii))

17. At the 8th meeting, on 14 March, the Commission held a panel discussion on the sub-item and heard statements by the following experts: Margaret Gallagher, media consultant and former Coordinator of the European Union Steering Committee for Equal Opportunities in Broadcasting; Joan Pennefather, former Director-General, National Arts Center of Canada; Lyndall Shope-Mafole, Counsellor, Independent Broadcasting Authority, South Africa; Teresa Rodriguez, Chief, International Department, Ministry for Women's Affairs of Chile; Alain Modoux, Director, Division for Communication of the United Nations Educational, Scientific and Cultural Organization.

18. A statement was made by the Chairperson.

19. At the same meeting, the Commission held a dialogue among Governments, in which the following delegations participated: Spain, Netherlands, Turkey, Ecuador, United States of America, Dominican Republic, Philippines, Pakistan, Algeria, Cyprus, China, Mexico, Italy, Lesotho and Zambia.

20. The representative of the International Research and Training Institute for the Advancement of Women also spoke.

21. The observers for the following non-governmental organizations spoke: African Women's Development and Communication Network (FEMNET) and Association for Progressive Communications.

22. The panellists responded to points raised.

23. At the 9th meeting, on 15 March, the Chairperson made a statement.

24. At the same meeting, the Commission held a dialogue in which the following delegations participated: Republic of Korea, Pakistan, Poland, China, Sudan, Cuba, Canada, Japan, Guinea, Finland, Belgium, Portugal, Italy (on behalf of the States Members of the United Nations that are members of the European Union), Israel, Bahamas, Ghana, France, Islamic Republic of Iran, Ecuador and Kyrgyzstan.

25. The observers for the following non-governmental organizations also spoke: American Association of Retired Persons and World Association of Community Radio Broadcasters.

Implementation of strategic objectives and action in the critical areas of concern: child and dependant care, including sharing of responsibilities between men and women (agenda item 3 (c) (iii))

26. At the 10th meeting, on 15 March, the Commission held a panel discussion on the sub-item and heard presentations by the following experts: Kathryn Tolbert, The Population Council, Mexico Office; Mihaela-Rodica Stanoiu, Secretary of State on Women's Affairs and Family Policies, Ministry of Labour and Social Protection, Romania; Misrak Elias, Senior Adviser, Women in Development, United Nations Children's Fund; Anne Havnør, Senior Executive Officer, Ministry of Children and Family Affairs, Norway; Chen Guomei, Vice-President, China Family Education Association, and Professor, Beijing Normal University.

27. A statement was made by the Chairperson.

28. At the same meeting, the Commission held a dialogue among Governments, in which the following delegations participated: Namibia, Tunisia, Mali, Sudan, Netherlands, Austria, Zimbabwe, Italy and Finland.

29. Statements were made by the observers for the following non-governmental organizations: a caucus on shared responsibilities and a non-governmental organization committee on the status of women, International Confederation of Free Trade Unions and World Federation of United Nations Associations.

30. The panellists responded to points raised.

31. At the 11th meeting, on 18 March, the Commission held a dialogue among Governments, in which the following delegations participated: Thailand, United States of America, Swaziland, Republic of Korea, China, Chile, Japan, Israel, Ghana, Cuba, Italy, Namibia, Guinea, Canada, Mexico, Sudan, Ecuador, Pakistan, France, Botswana, Angola, Finland, United Kingdom of Great Britain and Northern Ireland and Sweden.

ACTION TAKEN BY THE COMMISSION

Release of women and children taken hostage in armed conflicts and imprisoned

32. At the 11th meeting, on 18 March, the observer for Azerbaijan, 69/ on behalf of Argentina, 69/ Azerbaijan, 69/ Bangladesh, 69/ Bosnia and Herzegovina, 69/ Cambodia, 69/ Ecuador, Egypt, 69/, Georgia, 69/ Kuwait, 69/ Kyrgyzstan, 69/ Malaysia, Mozambique, 69/ Pakistan, 69/ Togo, Tunisia, Turkey, 69/ Turkmenistan, 69/ the United Arab Emirates, 69/ Uzbekistan 69/ and Zimbabwe, 69/ introduced a draft resolution (E/CN.6/1996/L.1) entitled "Release of women and children taken hostage in armed conflicts and imprisoned". Subsequently, Botswana, 69/ Burkina Faso, 69/ Colombia, Costa Rica, Côte d'Ivoire, 69/ the Dominican Republic, Guatemala, 69/ Guinea, Guinea-Bissau, Haiti, 69/ the Islamic Republic of Iran, Jordan, 69/ Kazakstan, 69/ Lebanon, Liberia, 69/ Mali, Namibia, Panama, 69/ Peru, 69/ Qatar, 69/ South Africa, 69/ Swaziland, the United Republic of Tanzania, 69/ Venezuela 69/ and Zambia 69/ joined in sponsoring the draft resolution.

69/ In accordance with rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council.

33. At the 15th meeting, on 22 March, the observer for Azerbaijan orally revised the draft resolution as follows:

(a) The fifth preambular paragraph, which read:

> "Stressing that all forms of repression and cruel and inhuman treatment of women and children committed by belligerents in the course of military operations or in occupied territories, including taking them hostage, their imprisonment, the destruction of their dwellings and their forcible eviction, should be considered criminal",

was deleted;

(b) Operative paragraph 1, which read:

> "Condemns violence against women and children in areas of armed conflict, recognizing it as a violation of international humanitarian law, and calls for a particularly effective response to violations of this kind, including the immediate release of women and children taken hostage in areas of armed conflict",

was changed to read:

> "Condemns violent acts in contravention of international humanitarian law against civilian women and children in areas of armed conflict and calls for an effective response to such acts, including the immediate release of such women and children taken hostage in areas of armed conflict".

34. At the same meeting, the observer for Germany proposed an amendment to the draft resolution whereby operative paragraph 2, which read:

> "Strongly urges all parties to conflicts to immediately release all women and children taken hostage in areas of armed conflict"

was replaced by the following text:

> "Strongly urges all parties to armed conflicts to respect fully the norms of international humanitarian law in armed conflict and take all measures required for the protection of women and children, in particular the immediate release of women and children taken hostage or imprisoned".

35. The Commission then adopted the draft resolution, as orally revised and amended (see chap. I, sect. C, Commission resolution 40/1).

Integration of women in the Middle East peace process

36. At the 12th meeting, on 20 March, the representative of the United States of America introduced and orally revised a draft resolution (E/CN.6/1996/L.3) entitled "Integration of women in the Middle East peace process". Subsequently, Costa Rica, Israel, 69/ Norway and the Russian Federation joined in sponsoring the draft resolution, which read as follows:

"The Commission on the Status of Women,

"Recalling General Assembly resolution 50/21 of 12 December 1995, Economic and Social Council resolution 1995/52 of 28 July 1995, and Commission on the Status of Women resolution 39/3 of 31 March 1995,

"Recalling also the Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, in September 1995,

"Stressing that the achievement of a comprehensive, just and lasting settlement of the Middle East conflict will constitute a significant contribution to strengthening international peace and security,

"Recalling the convening of the Peace Conference on the Middle East at Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups, and noting with satisfaction the broad international support for the peace process,

"Noting the continuing positive participation of the United Nations as a full extraregional participant in the work of the multilateral working groups,

"Bearing in mind the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian People, in Washington on 13 September 1993, and the subsequent Agreement on the Gaza Strip and the Jericho Area, signed by the Government of the State of Israel and the Palestine Liberation Organization at Cairo on 4 May 1994, their 29 August 1994 Agreement on the Preparatory Transfer of Powers and Responsibilities, the Protocol on Further Transfer of Powers and Responsibilities signed by the Government of Israel and the Palestine Liberation Organization at Cairo on 27 August 1995, and the Interim Agreement on the West Bank and Gaza Strip, signed by the Government of Israel and the Palestine Liberation Organization in Washington on 28 September 1995,

"Also bearing in mind the Agreement between Israel and Jordan on the Common Agenda, signed in Washington on 14 September 1993, the Washington Declaration, signed by Jordan and Israel on 25 July 1994, and the Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan, of 26 October 1994,

"Welcoming the Declaration of the Middle East/North Africa Economic Summit, held at Casablanca from 30 October to 1 November 1994, as well as the Declaration of the Middle East/North Africa Economic Summit, held at Amman from 29 to 31 October 1995,

"Reaffirming paragraph 145 of the Beijing Platform for Action which calls upon the international community to condemn and act against all forms and manifestations of terrorism,

"1. Welcomes the peace process started at Madrid, and supports the subsequent bilateral negotiations;

"2. Stresses the importance of, and need for, achieving a comprehensive, just and lasting peace in the Middle East;

"3. Expresses its full support for the achievements of the peace process thus far, in particular the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian People, the subsequent Agreement on the Gaza Strip and the Jericho Area, signed by the Government of the State of Israel and the Palestine Liberation Organization, their 29 August 1994 Agreement on the Preparatory Transfer of Powers and Responsibilities, the Protocol on Further Transfer of Powers and Responsibilities signed by the Government of Israel and the Palestine Liberation Organization at Cairo on 27 August 1995, the Interim Agreement on the West Bank and Gaza Strip, signed by the Government of Israel and the Palestine Liberation Organization in Washington on 28 September 1995, the Agreement between Israel and Jordan on the Common Agenda, the Washington Declaration, signed by Jordan and Israel on 25 July 1994, and the Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan, of 26 October 1994, which constitute important steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements reached;

"4. Stresses the need to achieve rapid progress on the other tracks of the Arab-Israeli negotiations within the peace process;

"5. Urges Governments, intergovernmental bodies and non-governmental organizations to include women in the peace process;

"6. Also urges Governments, intergovernmental bodies and non-governmental organizations to support the implementation of the Declaration of Principles and to assist the Palestinian people to ensure Palestinian women's political development and participation;

"7. Welcomes the results of the Conference to Support Middle East Peace, convened in Washington on 1 October 1993, including the establishment of the Ad Hoc Liaison Committee, the subsequent work of the World Bank Consultative Group, welcomes also the appointment by the Secretary-General of the 'United Nations Special Coordinator in the Occupied Territories', and urges Member States to expedite economic, financial and technical assistance to the Palestinian people during the interim period;

"8. Condemns recent terrorist attacks in Israel which seek to undermine the peace process and which have caused loss of life and injuries among women and their families, and supports the statement of the Summit of the Peace Makers in Sharm el-Sheikh on 13 March 1996;

"9. Calls upon all Member States to extend economic, financial and technical assistance to parties in the region and to render support for the peace process, especially with regard to women;

"10. Urges Member States to ensure that all economic, financial and technical assistance to parties in the region take into account the role of women as full participants and beneficiaries;

"11. Considers that an active United Nations role in the Middle East peace process and in assisting in the implementation of the Declaration of Principles can make a positive contribution with regard to the status of women;

"12. Encourages regional development and cooperation in areas where work has begun within the framework of the Madrid Conference."

37. At the 15th meeting, on 22 March, the representative of the United States of America further orally revised the draft resolution.

38. The observer for the Syrian Arab Republic made a statement.

39. The Commission then adopted the draft resolution, as orally revised, by a roll-call vote of 27 to 2, with 11 abstentions (see chap. I, sect. C, Commission resolution 40/2). The voting was as follows:

In favour: Algeria, Australia, Austria, Bahamas, Belarus, Belgium, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cyprus, Dominican Republic, Ecuador, France, Greece, India, Japan, Mexico, Norway, Portugal, Republic of Korea, Russian Federation, Slovakia, Tunisia, United States of America.

Against: Iran (Islamic Republic of), Libyan Arab Jamahiriya.

Abstaining: Angola, Cuba, Guinea, Guinea-Bissau, Indonesia, Lebanon, Malaysia, Namibia, Philippines, Sudan, Swaziland.

40. Before the draft resolution was adopted, the representatives of Lebanon, Algeria, the Libyan Arab Jamahiriya and Tunisia made statements; after it was adopted, statements were made by the representatives of the Islamic Republic of Iran, Swaziland and Cuba.

41. The representative of Ecuador made a statement.

Mainstreaming the human rights of women

42. At the 12th meeting, on 20 March, the representative of Australia, on behalf of Argentina, 69/ Australia, Canada, 69/ the Congo, Costa Rica, Cyprus, Finland, 69/ Ghana, 69/ Malaysia, the Netherlands, 69/ New Zealand, 69/ Nigeria, 69/ Norway, Poland, 69/ Portugal, the Republic of Korea, Romania, 69/ Sweden, 69/ Switzerland 69/ and Togo, introduced a draft resolution (E/CN.6/1996/L.4) entitled "Mainstreaming the human rights of women". Subsequently, Algeria, Angola, Antigua and Barbuda, 69/ Belgium, Brazil, Bulgaria, Cameroon, 69/ Chile, Colombia, Côte d'Ivoire, 69/ Denmark, 69/ the Dominican Republic, Ecuador, Ethiopia, 69/ France, Gabon, 69/ Germany, 69/ Guinea, Guinea-Bissau, Hungary, 69/ Iceland, 69/ Ireland, 69/ Israel, 69/ Italy, 69/ Japan, Kyrgyzstan, 69/ Lesotho, 69/ Liechtenstein, 69/ Mali, Morocco, 69/ Namibia, Nepal, 69/ Panama, 69/ Peru, 69/ the Philippines, Senegal, 69/ Slovakia, Slovenia, 69/ South Africa, 69/ Spain, 69/ Thailand, Turkey, 69/ the United States of America, the United Kingdom of Great Britain and Northern Ireland, 69/ the United Republic of Tanzania, 69/ Zambia and Zimbabwe joined in sponsoring the draft resolution.

43. At the 15th meeting, on 22 March, the representative of Australia orally revised the fifth preambular paragraph of the draft resolution by replacing the word "Welcoming" by the words "Reaffirming the importance of".

44. At the same meeting, the Commission adopted the draft resolution, as orally revised (see chap. I, sect. C, Commission resolution 40/3).

Traffic in women and girls

45. At the 12th meeting, on 20 March, the representative of the Philippines, on behalf of Argentina, 69/ Costa Rica, Côte d'Ivoire, 69/ Fiji, 69/ Ghana, 69/ Indonesia, Israel, 69/ Nigeria, 69/ Panama, 69/ the Philippines and Thailand, introduced a draft resolution (E/CN.6/1996/L.5) entitled "Traffic in women and girls". Subsequently, Angola, Bangladesh, 69/ Belgium, Benin, 69/ Burkina Faso, 69/ Cameroon, 69/ the Congo, the Dominican Republic, Ecuador, Ethiopia, 69/ France, Gabon, 69/ Guinea, Guinea-Bissau, Lesotho, 69/ Malaysia, Mali, Peru, 69/ the Russian Federation, Senegal, 69/ South Africa, 69/ Switzerland, 69/ Togo, Viet Nam 69/ and Zambia 69/ joined in sponsoring the draft resolution, which read as follows:

> "*The Commission on the Status of Women*,
>
> "*Reaffirming* its faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, enshrined in the Charter of the United Nations, as well as the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women,
>
> "*Recalling* General Assembly resolutions 49/166 of 23 December 1994 and 50/167 of 22 December 1995, Commission on the Status of Women resolution 39/6 of 29 March 1995 and Commission on Human Rights resolutions 1994/45 of 4 March 1994 and 1995/25 of 3 March 1995 on the traffic in women and girls,
>
> "*Concurring* with the conclusions and recommendations made by recent international conferences, including the World Conference on Human Rights in Vienna, the World Summit for Social Development in Copenhagen, the International Conference on Population and Development in Cairo and the Fourth World Conference on Women in Beijing, on the human rights of women and girl children, in particular with respect to the violation of those rights by their being forced into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers and crime syndicates, as well as into other illegal activities related to trafficking, such as forced domestic labour, false marriages, child marriages, clandestine employment and false adoption,
>
> "*Acknowledging* that the problem of trafficking also victimizes young boys,
>
> "*Welcoming* the decision of the Commission on Crime Prevention and Criminal Justice in its resolution 3/2 of 6 May 1994 to consider the international traffic in minors at its fourth session, in the context of its discussion on the question of organized transnational crime, and the

adoption by the Subcommission on Prevention of Discrimination and Protection of Minorities of resolution 1994/5, in which the Subcommission recommended that Governments adopt legislation to prevent child prostitution and child pornography,

"Concerned about the increasing number of women and girl children from developing countries and from some countries with economies in transition who are being victimized by traffickers, and noting the misuse of advanced information technology for pornographic and trafficking purposes,

"Realizing the urgent need for the adoption of effective measures at the national, regional and international levels to protect women and girl children from this nefarious traffic,

"1. Welcomes the Programme of Action of the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, which, inter alia, called upon all Governments to prevent all international trafficking in migrants, especially for the purpose of prostitution, and for the adoption by Governments of both receiving countries and countries of origin of effective sanctions against those who organize undocumented migration, exploit undocumented migrants or engage in trafficking in undocumented migrants, especially those who engage in any form of international trafficking in women and girl children;

"2. Calls for the implementation of the Platform for Action of the Fourth World Conference on Women by Governments of countries of origin, transit and destination and regional and international organizations, as appropriate:

"(a) By considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

"(b) By taking appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;

"(c) By stepping up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

"(d) By allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training and the provision of legal assistance and confidential health care, as well as by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

"(e) By developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

"3. Invites Governments to consider the development of standard minimum rules for the humanitarian treatment of trafficked persons, consistent with internationally recognized human rights standards;

"4. Encourages Governments, relevant organizations and bodies of the United Nations system, intergovernmental organizations and non-governmental organizations to gather and share information relative to all aspects of trafficking in women and girl children in order to facilitate the development of anti-trafficking measures, and to adopt appropriate measures to create wider public awareness of the problem;

"5. Calls upon all Governments to take appropriate measures to prevent the misuse and exploitation by traffickers of such economic activities as the development of tourism and the export of labour and the use of advanced information technology, including cyberspace;

"6. Encourages the Special Rapporteur of the Commission on Human Rights on violence against women and the Special Rapporteur of the Commission of Human Rights on the sale of children, child prostitution and child pornography, as well as the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities, to continue to pay special attention to the problem of trafficking in women and girl children, and to submit a report thereon to the General Assembly at its fifty-first session, through the usual channels;

"7. Reiterates its request to the Secretary-General to focus the International Day for the Abolition of Slavery, 2 December 1996, on the problem of trafficking in human persons, especially women and children, and to devote one meeting of the fifty-first session of the General Assembly to the discussion of this problem;

"8. Encourages the holding of an international conference on trafficking;

"9. Decides to remain seized of this matter and to examine, at its forty-first session, the reports of the Special Rapporteurs and relevant organizations and bodies, with a view to making appropriate recommendations to the General Assembly at its fifty-first session, through the Economic and Social Council at its substantive session of 1996."

46. At the 15th and 16th meetings, on 22 March, the representative of the Philippines read out revisions to the draft resolution.

47. At the 16th meeting, the Commission adopted the draft resolution, as orally revised (see chap. I, sect. C, Commission resolution 40/4).

International Research and Training Institute for the Advancement of Women

48. At the 14th meeting, on 21 March, the representative of Costa Rica, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution (E/CN.6/1996/L.6) entitled "International Research and Training Institute for the Advancement of Women". Subsequently, Turkey joined in sponsoring the draft resolution.

49. At the 16th meeting, on 22 March, the representative of Costa Rica orally revised operative paragraph 4 of the draft resolution by replacing the word "important" by the word "special".

50. At the same meeting, the Commission adopted the draft resolution, as orally revised (see chap. I, sect. C, Commission resolution 40/5).

Violence against women migrant workers

51. At the 14th meeting, on 21 March, the representative of the Philippines, on behalf of Fiji, 69/ Ghana, 69/ Israel 69/ and the Philippines, introduced and orally revised a draft resolution (E/CN.6/1996/L.7) entitled "Violence against women migrant workers". Subsequently,Costa Rica, the Dominican Republic, Guinea, Guinea-Bissau and Senegal 69/ joined in sponsoring the draft resolution, which read as follows:

"The Commission on the Status of Women,

"Bearing in mind the Charter of the United Nations, which reaffirms faith in human rights and fundamental freedoms, in the dignity and worth of the human person, and in the equal rights of women and men,

"Reaffirming the principles set forth in the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women,

"Recalling General Assembly resolutions 47/96 of 16 December 1992, 48/110 of 20 December 1993, 49/165 of 23 December 1994 and 50/168 of 22 December 1995 and Commission on the Status of Women resolutions 38/7 of 18 March 1994 and 39/7 of 31 March 1995, as well as the Declaration on the Elimination of Violence against Women adopted by the General Assembly at its forty-eighth session,

"Welcoming the conclusions and recommendations made by recent international conferences, including the World Conference on Human Rights held in Vienna in June 1993, the International Conference on Population and Development held in Cairo in September 1994, the World Summit for Social Development held in Copenhagen in March 1995 and the Fourth World Conference on Women held in Beijing in September 1995, on the promotion and protection of the rights and fundamental freedoms of women, in particular women migrant workers,

"Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of poverty, unemployment and other socio-economic conditions,

"Recognizing that it is the duty of sending countries to protect and promote the interests of their citizens who seek or receive employment in other countries, to provide them with appropriate training/education and to apprise them of their rights and obligations in the countries of employment,

"Aware of the moral obligation of receiving or host countries to ensure the human rights and fundamental freedoms of all persons within their boundaries, including migrant workers, who are doubly vulnerable because of their gender and their being foreigners,

"Noting the measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

"Noting with concern, however, the continuing reports of grave abuses and acts of violence committed against women migrant workers by some of their employers in some host countries,

"Stressing that acts of violence directed against women impair or nullify women's enjoyment of their human rights and fundamental freedoms,

"1. Reiterates its call for States Members of the United Nations to adopt measures for the effective implementation of the Declaration on the Elimination of Violence against Women, including their application to women migrant workers;

"2. Invites States concerned, specifically those sending and receiving women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them, adopting specific measures to address these problems, setting up, as appropriate, linguistically and culturally accessible services and mechanisms to implement those measures and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of society in which they reside;

"3. Encourages States Members of the United Nations, particularly those from which women migrant workers originate and those that play host to them, to ensure the protection of the rights and fundamental freedoms of women migrant workers as defined by international conventions and agreements and by the outcome of recent international conferences;

"4. Calls upon States Members to adopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, including women migrant workers, emphasizing the prevention of violence and the prosecution of offenders, to take measures for the protection of women, particularly women migrant workers, who are subjected to violence, and to ensure access to just and effective remedies, including compensation and indemnification and healing of victims, and rehabilitation of perpetrators;

"5. Encourages Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

"6. Calls upon States to explore the possibility of adopting measures to prevent the victimization of women migrant workers by sexual traffickers and to penalize those traffickers, including the ratification of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

"7. Calls for the organization/establishment of a mechanism under the aegis of the Centre for Human Rights/United Nations High Commissioner for Human Rights, in coordination with the Division for the Advancement of

Women, to be funded from the existing funds of relevant United Nations bodies and from voluntary contributions by intergovernmental and non-governmental organizations, which would have the following functions, among others:

"(a) Conduct continuing studies on the situation of migrant workers on a global and/or regional basis;

"(b) Disseminate information on migrant worker issues;

"(c) Provide training and information to migrant workers to enable them to assert their rights and fundamental freedoms;

"(d) Make recommendations on measures to address, from cross-sectoral, interregional, regional and subregional perspectives, the issues affecting migrant workers, in particular women migrant workers;

"(e) Serve as a forum for the exchange of views, expertise and the like on migrant workers;

"(f) Organize seminars, consultations and conferences on issues affecting migrant workers, particularly women migrant workers;

"8. Reiterates its recommendation to the Commission on Human Rights to make the protection and promotion of the rights of women migrant workers one of its priority concerns, and for the Special Rapporteur of the Commission to continue to include among the urgent issues pertaining to her mandate the violence perpetrated against women migrant workers;

"9. Welcomes the scheduled holding from 27 to 30 May 1996 of the United Nations Expert Group meeting on the issue of violence against women migrant workers, and requests that the Group's report be submitted to the General Assembly at its fifty-first session, through the Economic and Social Council, and that recommendations for concrete indicators to determine the situation of women migrant workers in sending and receiving countries be included in the report of the Secretary-General to the General Assembly at its fifty-first session, together with the reports of the Special Rapporteur on violence against women and of relevant United Nations bodies and intergovernmental and non-governmental organizations."

52. At the 16th meeting, on 22 March, the representative of the Philippines, on behalf of the sponsors, read out further revisions to the draft resolution.

53. At the same meeting, the Commission adopted the draft resolution, as orally revised (see chap. I, sect. C, Commission resolution 40/6).

Attainment of strategic objectives and action to be taken in the critical area of concern: women and the media

54. At the 14th meeting, on 21 March, the representative of Costa Rica, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced and orally revised a draft resolution (E/CN.6/1996/L.8) entitled "Attainment of strategic objectives and action to be taken in critical areas: women and the media". The draft resolution read as follows:

"The Commission on the Status of Women,

"Recalling the Declaration on the Elimination of Violence against Women, adopted in 1993,

"Referring to the Toronto Platform for Action concerning the access of women journalists to expression and decision-making,

"1. Reaffirms the provisions of the Platform for Action adopted by the Fourth World Conference on Women, in particular paragraphs 131 and 135 concerning religious intolerance, extremist violence and terrorism suffered by women because of their place in society and their sex;

"2. Also reaffirms paragraph 145 (f) of the Platform for Action, which states that Governments and international and regional organizations should call upon the international community to condemn and act against all forms and manifestations of terrorism, emphasizing the prevention of violence against women in general and women journalists in particular who, because of their profession, are an easy and preferred target of acts of violence and intolerance and terrorist attacks;

"3. Condemns the murders and acts of violence and terrorism committed against women journalists, particularly in Algeria, because of their sex and their profession;

"4. Pays a warm tribute to all the women who continue, with courage, sacrifice and determination, to make their contribution, through the media, to improving the status of women;

"5. Appeals to the United Nations, the United Nations Educational, Scientific and Cultural Organization and the international community to join their efforts in order to intensify, in accordance with the Platform for Action, efforts to combat terrorism and all forms of intolerance and violence, which are a major obstacle to achieving the objectives of equality, development and peace proclaimed in the Nairobi Forward-looking Strategies for the Advancement of Women."

55. At the 16th meeting, on 22 March, the Commission had before it a revised draft resolution (E/CN.6/1996/L.8/Rev.1), which the representative of Costa Rica further orally revised on behalf of the sponsors. France, Italy, 69/ Nepal, 69/ Turkey 69/ and the United States of America joined in sponsoring the revised draft resolution.

56. At the same meeting, the Commission adopted the revised draft resolution, as further orally revised (see chap. I, sect. C, Commission resolution 40/7).

Palestinian women

57. At the 14th meeting, on 21 March, the representative of Costa Rica, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution (E/CN.6/1996/L.9) entitled "Palestinian women".

58. At the 16th meeting, on 22 March, statements were made by the observers for the Syrian Arab Republic and Israel.

59. At the same meeting, the Commission adopted the draft resolution by a recorded vote of 36 to 1, with 7 abstentions (see chap. I, sect. A, draft resolution I). The voting was as follows:

In favour: Algeria, Angola, Austria, Bahamas, Belarus, Belgium, Brazil, Bulgaria, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Dominican Republic, Ecuador, France, Greece, Guinea, India, Indonesia, Iran (Islamic Republic of), Japan, Libyan Arab Jamahiriya, Malaysia, Mexico, Namibia, Philippines, Portugal, Republic of Korea, Sudan, Swaziland, Thailand, Togo, Tunisia.

Against: United States of America.

Abstaining: Australia, Guinea-Bissau, Lebanon, Mali, 70/ Norway, Russian Federation, Slovakia.

60. Before the draft resolution was adopted, the representative of the United States of America made a statement; after it was adopted, statements were made by the representatives of Australia, Norway, the Islamic Republic of Iran and the Libyan Arab Jamahiriya.

61. The observer for Palestine also made a statement.

Implementation of strategic objectives and action in the critical areas of concern: poverty

62. At the 12th meeting, on 20 March, the representative of Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China) introduced and orally revised a draft resolution (E/CN.6/1996/L.10) entitled "Implementation of strategic objectives and action in the critical area of concern: poverty". The draft resolution read as follows:

"The Commission on the Status of Women,

"*Recalling* General Assembly resolutions 43/195 of 20 December 1988, 44/212 of 22 December 1989, 45/213 of 21 December 1990, 46/141 of 17 December 1991, 47/197 of 22 December 1992, 48/184 of 21 December 1993 and 49/110 of 19 December 1994 related to international cooperation for the eradication of poverty in developing countries,

"*Recalling* General Assembly resolution 50/107 of 20 December 1995 on the observance of the International Year for the Eradication of Poverty and proclamation of the first United Nations Decade for the Eradication of Poverty,

"*Reaffirming* the importance of the outcome of the Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, as well as all the United Nations major conferences and summits organized since 1990, in particular the World Summit for Children, held in New York in September 1990, and the World Summit for Social Development, held in Copenhagen in March 1995,

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70/ The delegation of Mali subsequently indicated that it had intended to vote in favour of the draft resolution.

"Reaffirming General Assembly resolution 50/203 of 22 December 1995 on the follow-up of the Fourth World Conference on Women,

"Taking note of the report of the Secretary-General on poverty,

"Recognizing that the eradication of poverty requires the full and equal participation of women, in particular in the formulation and implementation of policies that affect them, so as to enable them to become genuine partners in development,

"Emphasizing that empowering women is a critical factor in the eradication of poverty, since women constitute the majority of people living in poverty, and since they contribute to the economy and to combating poverty through their work at home, in the community and in the workplace,

"Recognizing that more women than men live in absolute poverty and the imbalance is on the increase, resulting in their limited access to income, resources, education, health care, nutrition, shelter and safe water in all developing countries, in particular African countries and the least developed countries,

"Bearing in mind that the increasing number of women living in poverty in developing countries, especially in the rural areas and urban slums, requires the urgent action of the international community and the adoption of concrete actions and measures at the national and regional levels towards the eradication of poverty within the framework of the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women,

"Stressing the necessity of promoting and implementing policies to create a supportive international economic environment, through, inter alia, alleviation of the external debt burden and the negative impact of structural adjustment programmes, through mobilization and/or the provision of new and additional financial resources that are both adequate and predictable, and by ensuring equitable terms of trade and increased access of women in developing countries to markets, productive investments and technologies,

"1. Recognizes the central role that women play in the eradication of poverty, and recommends their full and equal participation in the formulation and implementation of policies that affect them so as to enable them to become genuine partners in development;

"2. Recognizes also that the eradication of poverty is both a complex and a multidimensional problem and fundamental to reinforcing equality, peace and development;

"3. Urges all Governments, the United Nations system, including the Bretton Woods institutions, and civil society to implement the Platform for Action in its entirety;

"4. Recommends that in order to attain the goals of eradicating the feminization of poverty as set out in the Platform for Action, the following actions, inter alia, be undertaken:

"(a) Development and implementation of education, training and retraining policies for women and girls;

"(b) Promotion and protection of women's rights to full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies;

"(c) Promotion of the participation of women at all levels of decision-making;

"(d) Mainstreaming of a gender perspective in the design of policies and programmes for the eradication of poverty;

"(e) Development of national strategies for promoting employment and self-employment, including entrepreneurial and organizational skills in order to generate income for women;

"(f) Adoption of policies to ensure that all women have adequate economic and social protection during unemployment, ill health, maternity, child-bearing, widowhood, disability and old age;

"(g) Development of gender-based methodologies and conducting of research to address the contribution of women to the economy, the feminization of poverty and the economic and social impact of debt and structural adjustment programmes in all developing countries, in particular African countries and the least developed countries;

"(h) Reduction, as appropriate, of excessive military expenditures and investments for arms production and acquisition, consistent with national security requirements, in order to increase resources for social and economic development;

"5. Calls for the urgent implementation of the outcome of all other major United Nations conferences and summits related to the eradication of poverty;

"6. Calls upon States to undertake commitments 2 and 5 of the Copenhagen Declaration on Social Development, and calls upon all relevant international actors to implement promptly the actions for the eradication of poverty, as contained in the Programme of Action of the World Summit for Social Development;

"7. Stresses that the United Nations system, including the Bretton Woods institutions, should play a central role in enhancing financial and technical support and assistance for developing countries, particularly African countries and the least developed countries, in their efforts to achieve the objectives set forth in the Beijing Declaration and Platform for Action, particularly the goal of the eradication of the feminization of poverty;

"8. Stresses the importance of using all available funding sources and mechanisms, with a view to contributing towards the goal of poverty eradication and targeting women living in poverty;

"9. Invites all countries, the United Nations system, including the Bretton Woods institutions, other relevant international organizations, non-governmental organizations, the private sector and all other sectors to contribute to the implementation of programmes aimed at eradicating poverty;

"10. Recommends that the Economic and Social Council, when considering the theme "Coordination of the United Nations system activities for poverty eradication" at its substantive session for 1996, ensure that the relevant organs of the United Nations system take fully into account the gender perspective in their activities for the eradication of poverty, and requests the Council to recommend to the General Assembly that the gender dimension of poverty be incorporated into the plan of action of the first United Nations Decade for the Eradication of Poverty;

"11. Requests the Secretary-General to report on the implementation of the present resolution in the framework of the first United Nations Decade for the Eradication of Poverty;

"12. Also requests the Secretary-General to keep in mind the poverty dimension in the implementation and review of reports on all other critical areas of concern set out in the Platform for Action, taking into consideration the many links between the eradication of poverty and the other critical areas of concern."

63. At the 16th meeting, on 22 March, the Commission had before it a draft resolution (E/CN.6/1996/L.14) entitled "Implementation of strategic objectives and action in the critical area of concern: poverty", submitted by the Chairperson as the basis for informal consultations. The draft resolution read as follows:

"The Commission on the Status of Women,

"1st preambular paragraph. Recalling General Assembly resolution 49/110 of 19 December 1994 and other relevant resolutions of the Assembly related to international cooperation for the eradication of poverty in developing countries,

"2nd preambular paragraph. Recalling also Assembly resolution 50/107 of 20 December 1995 on the observance of the International Year for the Eradication of Poverty and proclamation of the first United Nations Decade for the Eradication of Poverty,

"3rd preambular paragraph. Reaffirming the importance of the outcome of the Fourth World Conference on Women held in Beijing from 4 to 15 September 1995 as well as all the United Nations major conferences and summits organized since 1990, in particular the World Summit for Social Development held in Copenhagen in March 1995, [Placement to be decided]

"3 bis preambular paragraph. Recognizing that the eradication of poverty will require the implementation and integration of strategies at the national and international levels in all the critical areas of concern in the Platform for Action [including, inter alia, health, education and human rights],

"4th preambular paragraph. Reaffirming General Assembly resolution 50/203 of 22 December 1995 on the follow-up to the Fourth World Conference on Women, "5th preambular paragraph. Taking note of the report of the Secretary-General on poverty in the follow-up to the Fourth World Conference on Women and of the discussion that took place on this issue during the fortieth session of the Commission on the Status of Women,

"5 bis preambular paragraph. Reaffirming General Assembly resolutions 50/173 of 22 December 1995 on the United Nations Decade for Human Rights Education, 1995-2004, and 49/184 of 23 December 1994, in which the Assembly expressed the conviction that each woman, man and child, to realize their full human potential, must be made aware of all their human rights - civil, cultural, economic, political and social [and of the right to development],

"5 ter preambular paragraph. Recognizing that mainstreaming a gender perspective into all policies and programmes aimed at combating poverty is crucial, as women constitute the majority of the world's people living in poverty,

"5 quater preambular paragraph. Recognizing also that the full implementation of the human rights of women and of the girl child, as an inalienable, integral and indivisible part of all human rights and fundamental freedoms, is essential for the advancement of women,

"5 quinquiens preambular paragraph. Recognizing further that the commitment of Governments is of fundamental importance in combating poverty and in improving living conditions for women and men,

"6th preambular paragraph. Recognizing further that national and international efforts to eradicate poverty require full and equal participation of women in the formulation and implementation of policies that take fully into account the gender perspective and that empower women to be full partners in development,

"7th preambular paragraph. Emphasizing that empowering of women is a critical factor in the eradication of poverty, since women constitute the majority of people living in poverty and contribute to the economy and to the combating of poverty through their work at home, in the community, and in the workplace,

"7 bis preambular paragraph. Recognizing that poverty is a global problem affecting all countries and that the complexity of poverty, including the feminization of poverty, requires a wide range of measures and actions, at the national and the regional level, giving particular priority to the situation of women living in poverty,

"8th preambular paragraph. Recognizing also that more women than men live in absolute poverty and that the imbalance is on the increase, resulting in the limited access of women to income, resources, education, health care, nutrition, shelter and safe water in all developing countries, particularly in Africa and in the least developed countries,

"8 bis preambular paragraph. Recognizing further that a large number of women in countries with economies in transition are also affected by poverty,

"9th preambular paragraph. Bearing in mind that the increasing number of women living in poverty in developing countries, especially in the rural and urban areas, requires action by the international community in support of actions and measures at the national and regional levels towards the eradication of poverty within the framework of the Beijing Declaration and Platform for Action,

"10th preambular paragraph. Stressing the necessity for promoting and implementing policies to create a supportive external economic environment, through, inter alia, cooperation in the formulation and implementation of macroeconomic policies, trade liberalization, mobilization and/or the provision of new and additional financial resources that are both adequate and predictable and mobilized in a way that maximizes the availability of such resources for sustainable development, using all available funding sources and mechanisms, enhanced financial stability and ensuring increased access of developing countries to global markets, productive investment and technologies, and appropriate knowledge,

"OP1. Recognizes the central role that women play in the eradication of poverty, and stresses the need for their full and equal participation in the formulation and implementation of policies that take fully into account the gender perspective and that empower women to be full partners in development;

"OP1 bis. Stresses that the empowerment and autonomy of women and the improvement of women's social, economic and political status are essential for the eradication of poverty and that the full and equal participation of women in decision-making at all levels is an integral part of the process;

"OP2. Recognizes that the eradication of poverty is both a complex and a multidimensional issue, and fundamental to promoting equality between men and women as well as to reinforcing peace and achieving sustainable development;

"OP2 bis. [Reaffirms that the promotional protection of, and respect for, all human rights and fundamental freedoms, including the human rights of women and the right to development, which are universal, indivisible, interdependent and interrelated, should be mainstreamed into all policies and programmes aimed at the eradication of poverty, and reaffirms as well the need to take measures to ensure that every person is entitled to participate in, to contribute to, and to enjoy economic, social, cultural and political development;]

"OP2 ter. Stresses that mainstreaming the gender perspective implies examining the ways in which women and men are affected by poverty, the different assets they possess to address the question and their respective contributions and potentials;

"OP2 quater. Also stresses that both mainstreaming and other positive actions should be regarded as complementary strategies aimed at elaborating the full release of women's and men's development potential and at eradicating poverty;

"OP2 quinquiens. Urges all Governments to fulfil their commitments in the Platform for Action to develop, preferably by the end of 1996, national implementation strategies or plans of action that should also focus on the eradication of absolute poverty and the reduction of overall poverty, with targets, benchmarks for monitoring and proposals for allocation or reallocation of resources for implementation, including resources for undertaking gender impact analysis; where necessary the support of the international community could be enlisted, including resources;

"OP3. [Urges all Governments, the United Nations system, including the Bretton Woods institutions, and civil society, to implement the Platform for Action in its entirety;] [, including undertaking gender impact analysis;]

"OP4. Emphasizes that, in addition to the commitments and recommendations regarding the eradication of poverty outlined in the Programme of Action of the World Summit for Social Development and in the Platform for Action adopted by the Fourth World Conference on Women, measures should be undertaken specifically in the context of the Platform for Action to address the feminization of poverty and to mainstream a gender perspective in all policies and programmes for the eradication of poverty, including, inter alia, measures to:

"(a) Develop and implement education, training and retraining policies for women and girls;

"(b) Undertake legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies;

"(c) Promote the participation of women at all levels of decision-making;

"(d) Develop national strategies for promoting employment and self-employment, including entrepreneurial and organizational skills, in order to generate income for women;

"(e) Adopt policies to ensure that all women have adequate economic and social protection during unemployment, ill health, maternity, child-bearing, widowhood, disability and old age and that women, men and society share responsibilities for child and other dependant care;

"(e bis) Restructure and target the allocation of public expenditures to promote women's economic opportunities and equal access to productive resources and to address the basic social, educational and health needs of women, particularly those living in poverty;

"(f) Develop gender-based methodologies and conduct research [for use in designing a more effective policy to recognize and value the full contribution of women to the economy through all forms of work and employment and to address the feminization of poverty, in particular the relationship between unremunerated work and women's vulnerability to poverty;] [delete: to address the contribution of women to the economy, the feminization of poverty, and the economic and social impact of debt and structural adjustment programmes in all developing countries, particularly in Africa, and in the least developed countries;]

"(f bis) [Analyse, from a gender perspective, macroeconomic and micro-economic policies, including structural adjustment policies and programmes and the allocation of public expenditures, which should be designed and implemented with the full and equal participation of women so as to avoid negative impacts on women living in poverty;]

"(g) Reduce excessive military expenditures and investments for arms production and acquisition, as is appropriate and consistent with national security requirements, in order to increase resources for social and economic development;

"OP4 *bis*. *Calls for* the implementation of the outcome of all other major United Nations conferences related to the eradication of poverty;

"OP5. *Calls upon* States to undertake all commitments of the Copenhagen Declaration on Social Development, taking into account commitments 2 and 5 and the linkages between them, in their efforts to eradicate poverty, and also calls upon all relevant actors to implement promptly the actions and measures for the eradication of poverty, as contained in the Programme of Action of the World Summit for Social Development;

"OP5 *bis*. *Stresses* the need to fully integrate a gender perspective into the work of all thematic task forces relating to the eradication of poverty established by the Administrative Committee on Coordination, as well as the importance of establishing the proposed inter-agency committee on the follow-up to the Fourth World Conference on Women;

"OP5 *ter*. *Recommends* that a United Nations system-wide effort should be undertaken to review existing indicators, strengthen gender impact analysis of the design and implementation of economic reform programmes, develop complementary, qualitative assessments, and standardize measures and promote their implementation, and stresses that this effort will necessitate effective coordination;

"OP5 *quater*. *Also recommends* that the secretariats of the United Nations system, including the Bretton Woods institutions, incorporate a coherent method of including both the mainstreaming of the gender perspective and specific gender programmes to achieve equality between women and men in the operational activities, staffing and decision-making sphere of the system;

"OP6. *Stresses* that the United Nations system, including the Bretton Woods institutions, should play a central role in enhancing financial and technical support and assistance for developing countries, particularly African countries and least developed countries, in their efforts to achieve the objectives of the eradication of poverty and the full integration of a gender perspective into all policies and programmes, as set forth in the Beijing Declaration and Platform for Action, particularly the goal of the eradication of poverty;

"OP6 *bis*. *Recognizes* that the implementation of the Platform for Action in the countries with economies in transition will also require continued international cooperation and assistance, in support of national efforts;

"OP7. *Stresses* the importance of using all available funding sources and mechanisms with a view to contributing towards the goal of poverty eradication and targeting of women living in poverty;

"OP7 *bis*. *Calls upon* States committed to the initiative of allocation of 20 per cent of official development assistance and 20 per cent of the national budget to basic social programmes to fully integrate a gender perspective into its implementation, as called for in paragraph 16 of General Assembly resolution 50/203;

"OP8. Invites all countries, the United Nations system, including the Bretton Woods institutions, relevant international organizations, non-governmental organizations, the private sector, and all other sectors to contribute to the implementation of programmes aimed at eradicating poverty;

"OP8 bis. Stresses the need for a coherent and coordinated approach among all partners in development in the implementation of national poverty eradication plans or programmes that fully take into account the gender perspective;

"OP8 ter. Also stresses the need for gender-sensitive training, with the assistance of United Nations organizations, of those responsible for the formulation and implementation of development policies and programmes;

"OP8 quater. Further stresses the important role of non-governmental organizations as actors involved at the grass-roots level in the policy dialogue designed to reach women through poverty eradication programmes and calls for further efforts to identify ways by which those non-governmental organizations could contribute to the implementation of such programmes;

"OP9. Recommends that the Economic and Social Council, when examining the "Coordination of the activities of the United Nations system for the eradication of poverty" as the theme for the coordination segment of the substantive session of 1996 of the Council, ensure that the relevant organs of the United Nations system take fully into account the gender perspective in their activities for the eradication of poverty, and, likewise, requests that the Council recommend to the General Assembly that the gender dimension of poverty be incorporated into all activities and documentation related to the first United Nations Decade for the Eradication of Poverty;

"OP9 bis. Stresses the need to fully integrate a gender perspective into the coordinated follow-up to major United Nations conferences and summits and recommends that the Economic and Social Council examine, on a regular basis, the extent to which gender factors have been taken into account in the recommendations of all the concerned functional commissions;

"OP10. Requests the Secretary-General to keep in mind the multidimensional nature of poverty in the implementation and review of reports on all other critical areas of concern, taking into consideration the many links between the eradication of poverty and those other critical areas of concern;

"OP11. Also requests the Secretary-General to report on the implementation of the present resolution within the framework of his report on action envisaged to be taken in preparation for the First United Nations Decade on the Eradication of Poverty."

64. At the same meeting, the observer for Canada, as facilitator of informal consultations on the topic, informed the Commission of the changes to the draft resolution agreed upon during informal consultations.

65. The Commission then agreed to waive rule 52 of the rules of procedure of the functional commissions of the Economic and Social Council and take action on the draft resolution, as orally revised.

66. Statements were made by the observers for Italy (on behalf of the States Members of the United Nations that are members of the European Union), who proposed an amendment to the draft resolution, and Canada.

67. Also at the 16th meeting, the Commission adopted the draft resolution, as orally revised and amended (see chap. I, sect. C, Commission resolution 40/9).

68. Statements were made by the representatives of the Libyan Arab Jamahiriya and the Islamic Republic of Iran and the observer for Guatemala.

69. In the light of the adoption of draft resolution E/CN.6/1996/L.14, draft resolution E/CN.6/1996/L.10 was withdrawn by the sponsors.

Methods of work for dealing with the implementation of the Platform for Action adopted by the Fourth World Conference on Women

70. At the 14th meeting, on 21 March, the representative of the Philippines introduced draft agreed conclusions (E/CN.6/1996/L.12) on methods of work for dealing with the implementation of the Platform for Action adopted by the Fourth World Conference on Women, which were submitted by her as coordinator of the informal consultations held on agenda item 3.

71. At the 15th meeting, on 22 March, the representative of Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China) made a statement.

72. At the same meeting, the representative of the Philippines orally revised the draft agreed conclusions as a result of further informal consultations held by her as coordinator.

73. The representatives of Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China) and Algeria proposed amendments to the draft agreed conclusions.

74. Statements were made by the representatives of Costa Rica, Mexico and the Russian Federation and the observer for Canada.

75. The observer for Italy (on behalf of the States Members of the United Nations that are members of the European Union) proposed an amendment to the draft agreed conclusions.

76. A statement was made by the representative of Namibia.

77. Also at the 15th meeting, the Commission approved the draft agreed conclusions, as orally revised and as amended by the observer for Italy, and agreed to include them in its final report (see chap. I, sect. C, agreed conclusions 1996/1).

78. The representative of the Russian Federation made a statement.

Follow-up to the Fourth World Conference on Women

79. At the 14th meeting, on 21 March, the representative of the Philippines introduced a draft resolution (E/CN.6/1996/L.13) entitled "Follow-up to the Fourth World Conference on Women", which was submitted by her as coordinator of the informal consultations held on agenda item 3. The draft resolution read as follows:

"The Economic and Social Council,

"Welcoming the outcome of the Fourth World Conference on Women and the adoption of its Platform for Action,

"Bearing in mind Economic and Social Council resolutions 11 (II) of 21 June 1946 and 48 (IV) of 29 March 1947, by which the Council established the Commission on the Status of Women and defined its terms of reference, and 1987/22 of 26 May 1987, by which the Council expanded the mandate of the Commission,

"Taking into account agreed conclusions 1995/1, approved by the Council on 28 July 1995, as well as General Assembly resolution 50/203 of 22 December 1995, on the follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action, in which the Assembly invited the Economic and Social Council to review and strengthen the mandate of the Commission,

I

"Framework for the functioning of the Commission

"Recalling that the Assembly, in resolution 50/203, decided that the General Assembly, the Economic and Social Council and the Commission on the Status of Women, in accordance with their respective mandates and with Assembly resolution 48/162 of 20 December 1993 and other relevant resolutions, should constitute a three-tiered intergovernmental mechanism that would play the primary role in the overall policy-making and follow-up, and in coordinating the implementation and monitoring of the Platform for Action, reaffirming the need for a coordinated follow-up to and implementation of the results of major international conferences in the economic, social and related fields,

"Convinced that the follow-up to the Fourth World Conference on Women should be undertaken on the basis of an integrated approach to the advancement of women within the framework of a coordinated follow-up to and implementation of the results of major international conferences in the economic, social and related fields, as well as the overall responsibilities of the General Assembly and the Economic and Social Council,

"1. Decides that the Commission on the Status of Women shall have a catalytic role in mainstreaming a gender perspective in policies and programmes;

"2. Decides that the inter-agency committee on the advancement and empowerment of women, once established by the Administrative Committee on Coordination, shall inform the Commission and the Economic and Social Council of the progress of its work, for the purpose of system-wide coordination, and that a gender perspective shall also be fully integrated in the work of all thematic task forces established by the Administrative Committee on Coordination;

"2 bis. [The United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women have, in accordance with their respective mandates, a specific role to play in the implementation of the strategic objectives of the Platform for Action];

"2 ter. [Urges the Committee on the Elimination of Discrimination against Women to include in its reports to the General Assembly information on the implementation of the strategic objectives of the Platform for Action related to the provisions of the Convention, pursuant to paragraph 36 of General Assembly resolution 50/203];

"3. Decides, in view of the traditional importance of non-governmental organizations in the advancement of women, that such organizations should be encouraged to participate in the work of the Commission and in the monitoring and implementation process related to the Conference to the maximum extent possible, and requests the Secretary-General to make appropriate arrangements to ensure full utilization of existing channels of communication with non-governmental organizations in order to facilitate broad-based participation and dissemination of information;

"3 bis. [Recognizing the valuable contribution of non-governmental organizations to the Fourth World Conference on Women, the Council and its Committee on Non-Governmental Organizations will decide to review the applications of those non-governmental organizations under Council resolution 1296 (XLIV) as expeditiously as possible and that prior to the forty-first session of the Commission on the Status of Women, the Council will decide on the participation of those non-governmental organizations accredited to the Conference in Conference follow-up and in the work of the Commission on the Status of Women, without prejudice to the work of the Open-ended Working Group on the Review of Arrangements for Consultation with Non-Governmental Organizations];

II

"Terms of reference

"1. Confirms the existing mandate of the Commission on the Status of Women as set out in its resolutions 11 (II) of 21 June 1946, 48 (IV) of 29 March 1947 and 1987/22 of 26 May 1987, bearing in mind that the Platform for Action builds upon the Nairobi Forward-looking Strategies for the Advancement of Women;

"2. Decides that the Commission on the Status of Women shall assist the Economic and Social Council in monitoring, reviewing and appraising progress achieved and problems encountered in the implementation of the Beijing Declaration and Platform for Action at all levels, and shall advise the Council thereon;

"3. Decides that the Commission on the Status of Women shall continue to ensure support for mainstreaming a gender perspective in United Nations activities and develop further its catalytic role in this regard in other areas;

"4. Decides further that the Commission on the Status of Women shall identify issues where United Nations system-wide coordination needs to be improved in order to assist the Council in its coordination function;

"5. Decides that the Commission shall identify emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men that require urgent consideration and make substantive recommendations thereon;

"6. Decides that the Commission shall maintain and enhance public awareness and support for the implementation of the Platform for Action;

III

"Documentation

"1. Requests that all United Nations documentation be kept concise, clear, analytical and timely with a focus on relevant issues and in accordance with Council resolution 1987/24 of 26 May 1987 and Council agreed conclusions 1995/1 of 28 July 1995; that reports contain recommendations for action and indicate the actors; that reports be available in all official languages, in accordance with the rules of the United Nations; and that other methods of reporting, such as oral reports, also be explored;

"2. Requests that the relevant reports of the meetings of inter-agency mechanisms established by the Secretary-General be transmitted for information to the Commission to ensure coordination, collaboration and coherence in the implementation of the Platform for Action;

"3. Decides that requests for reports of the Secretary-General should be limited to the minimum strictly necessary and that the Secretariat should use information and data already provided by Governments to the maximum extent possible, avoiding duplication of requests to Governments for such information;

"4. Decides further that voluntary submission of national information, for example national action plans or national reports by Governments, should be encouraged;

"5. Requests that the following reports be prepared under agenda item 3 (Follow-up to the Fourth World Conference on Women),* bearing in mind the need to promote integrated reporting:

"(a) Report of the Secretary-General on the measures taken and the progress achieved in mainstreaming a gender perspective within the United Nations system (annually);

"(b) Analytical report of the Secretary-General on the thematic issues before the Commission in accordance with the multi-year work programme, including, as far as possible, progress made in national implementation, based on available existing data and statistics (annually);

"(c) Report on emerging issues under agenda item 3 (b),* as appropriate, at the request of the Commission or its Bureau;

"(d) Synthesized report on implementation plans of Governments and the United Nations system, based, inter alia, on national action plans and any other sources of information already available in the United Nations system (in 1998);

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* See sect. IV, para. 3 below.

"(e) Mid-term review of the system-wide medium-term plan (in 1998);

"(f) Report on the implementation of the Platform for Action, on the basis of national reports, taking into account the Nairobi Forward-looking Strategies for the Advancement of Women (in 2000);

IV

"Work programme of the Commission on the Status of Women

"1. Adopts a multi-year work programme for a focused and thematic approach, culminating in a quinquennial review and appraisal of the Platform for Action of the Fourth World Conference on Women; the work programme, inter alia, will provide a framework to assess the progress achieved in the implementation of the Platform for Action and will be in line with the coordinated follow-up to conferences;

"2. Decides that the work of the Commission in relation to the programme of work shall be closely related to the relevant provisions of the Platform for Action, with a view to ensuring the effective implementation of the Platform for Action;

"3. Decides that the agenda for the Commission shall consist of the following:

"1. Election of officers.

"2. Adoption of the agenda and other organizational matters.

"3. Follow-up to the Fourth World Conference on Women:

"(a) Review of mainstreaming in organizations of the United Nations system;

"(b) Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men;

"(c) Implementation of strategic objectives and action in the critical areas of concern.

"4. Communications concerning the status of women.

"5. The Convention on the Elimination of All Forms of Discrimination against Women, including the elaboration of a draft optional protocol to the Convention.

"6. Provisional agenda for the forty-second session of the Commission.

"7. Adoption of the report of the Commission on its forty-first session.

"4. Decides, in the light of the need for a focused and thematic multi-year work programme on the critical areas of concern and bearing in mind that the critical areas of concern are interrelated and interdependent, on the following calendar:

"1997 Education and training of women (Platform for Action, chapter IV.B)

Women and the economy (Platform for Action, chapter IV.F)

Women in power and decision-making (Platform for Action, chapter IV.G)

Women and the environment (Platform for Action, chapter IV.K)

"1998 Violence against women (Platform for Action, chapter IV.D)

Women and armed conflict (Platform for Action, chapter IV.E)

Human rights of women (Platform for Action, chapter IV.I)

The girl child (Platform for Action, chapter IV.L)

"1999 Women and health (Platform for Action, chapter IV.C)

Institutional mechanisms for the advancement of women (Platform for Action, chapter IV.H)

Initiation of the comprehensive review and appraisal of the implementation of the Platform for Action

"2000 Comprehensive quinquennial review and appraisal of the implementation of the Platform for Action

Emerging issues

V

"Regional [dimension]

"Recalling the important role played by regional preparatory conferences in the preparations for the Fourth World Conference on Women and that plans and programmes of action were adopted that served as essential inputs to the Beijing Declaration and Platform for Action,

"1. Recommends that the regional follow-up and monitoring of the regional platforms and programmes of action should be utilized as inputs for the review and appraisal of the Beijing Declaration and Platform for Action;

"2. Recommends further that the Council [should] consider how best to integrate the inputs of regional commissions into the overall monitoring and follow-up to the Platform for Action."

80. At the 15th meeting, on 22 March, the representative of the Philippines read out revisions to the draft resolution as a result of further informal consultations held by her as coordinator.

81. At the same meeting, statements were made by the representatives of the Russian Federation, Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), the Philippines and Bulgaria and the observer for Italy (on behalf of the States Members of the United Nations that are members of the European Union).

82. The Commission then adopted draft resolution E/CN.6/1996/L.13, as orally revised (see chap. I, sect. A, draft resolution II, and chap. I, sect. B, draft decision II).

Comments on the proposed system-wide medium-term plan for the advancement of women, 1996-2001

83. At the 15th meeting, on 22 March, the observer for Italy, on behalf of the States Members of the United Nations that are members of the European Union, introduced a draft resolution (E/CN.6/1996/L.15) entitled "Comments on the proposed system-wide medium-term plan for the advancement of women, 1996-2001", which read as follows:

"The Commission on the Status of Women,

"Recalling Economic and Social Council resolution 1985/46, in which the Council requested the formulation of a system-wide medium-term plan for women and development, and the resulting Plan, as endorsed by the Council in its resolution 1987/86,

"Also recalling Council resolution 1988/59, in which the Council requested the Secretary-General to initiate the formulation of a system-wide medium-term plan for the advancement of women for the period 1996-2001,

"Noting that the Commission had before it at its thirty-seventh session a draft system-wide medium-term plan for the advancement of women, 1996-2001, and that in its resolution 1993/16, the Council adopted the proposal of the Commission on the Status of Women to invite the Secretary-General to revise the draft plan after the Beijing Platform for Action and the second review and appraisal of the Nairobi Forward-looking Strategies for the Advancement of Women had been formulated and adopted by the Fourth World Conference on Women,

"Recognizing the role of the Council in overseeing system-wide coordination in the implementation of the Platform for Action,

"Recalling that Governments have the primary responsibility for implementing the Platform for Action,

"Further recalling that the Platform for Action needs to be implemented through the work of all of the organizations and bodies of the United Nations system as an integral part of system-wide programming,

"Recognizing that the Platform for Action calls upon the specialized agencies and other organizations of the United Nations system to strengthen their support for actions at the national level and to enhance their contributions to coordinated follow-up by the United Nations, by setting out the specific actions that they will undertake, including goals and targets for realigning priorities and redirecting resources to meet the global priorities identified in the Platform for Action, with a clear delineation of responsibility and accountability, all of which should be reflected in the system-wide medium-term plan for the advancement of women, 1996-2001, and stressing in this connection the need for appropriate mechanisms for coordination and cooperation,

"_Aware_ that the Platform for Action stresses that the responsibility for ensuring its implementation and the integration of a gender perspective into all policies and programmes of the United Nations system must rest at the highest levels,

"_Also aware_ that the Platform for Action recommends that the Council consider dedicating at least one coordination segment before the year 2000 to coordination of the advancement of women, based on the revised system-wide medium-term plan for the advancement of women,

"_Further aware_ that the Platform for Action recommends that the Council consider dedicating at least one operational activities segment before the year 2000 to the consideration of development activities related to gender, based on the revised system-wide medium-term plan for the advancement of women, with a view to instituting guidelines and procedures for implementation of the Platform for Action by the funds and programmes of the United Nations system,

"_Mindful_ that the Platform for Action requests the Secretary-General to assume responsibility for the coordination of policy within the United Nations for the implementation of the Platform for Action and for mainstreaming a system-wide gender perspective in all activities of the United Nations,

"1. _Stresses_ that the system-wide medium-term plan for the advancement of women, 1996-2001 should be an effective instrument for promoting the coordinated implementation of the Beijing Platform for Action;

"2. _Takes note with appreciation_ of the revised draft plan prepared by the Ad Hoc Inter-agency Meeting on Women;

"3. _Recommends_ the adoption of the revised draft plan by the Economic and Social Council, taking into account the comments of the Commission contained in the annex to the present resolution;

"4. _Emphasizes_ the importance of a coherent approach and of the strategic orientation/focus of the United Nations system spelt out under each critical area of concern;

"5. _Stresses_ the importance of institutional follow-up, as well as gender mainstreaming and capacity-building;

"6. _Recommends_ that the system-wide medium-term plan for the advancement of women, 1996-2001 serve to orient the policy of the United Nations Secretariat and as a monitoring and coordination tool for system-wide progress in implementing actions under each critical area of concern in the Platform for Action;

"7. Stresses the importance of involving all parts of the United Nations in the implementation of the Platform for Action, including the decision-making level;

"8. Invites the United Nations bodies that meet under the auspices of the Administrative Committee on Coordination to regularly discuss progress made in implementing activities under each area of critical concern, in keeping with the long-term programme of work of the Commission on the Status of Women and the Economic and Social Council, and to provide up-to-date information in those areas to the Council through the Commission, taking into consideration the comments made on the plan by the Commission and other relevant bodies;

"9. Recommends that the Council, through the Commission, undertake a comprehensive mid-term review of the implementation of the plan as a basis for future programming and coordination of activities for the advancement and empowerment of women by the United Nations system, including a review of progress in mainstreaming a gender perspective in all activities of the United Nations system;

"10. Invites the Secretary-General to submit to the Council for its consideration of the draft plan the comments of the Committee for Programme and Coordination and the Administrative Committee on Coordination, along with the comments of the Commission;

"11. Recommends that the Administrative Committee on Coordination and the proposed Inter-Agency Committee on Advancement and Employment of Women use the plan and comments on it as a basis for monitoring increasing collaboration and cost-effective approaches to United Nations system activities for the advancement and empowerment of women, including the assessment of the need for the preparation of guidelines on methods for mainstreaming a gender perspective in all United Nations activities, ensuring accountability and carrying out impact analyses of gender-aware programmes and policies;

"12. Recommends that the Council request the Secretary-General to submit to it, through the Commission at its forty-second session, a progress report on the implementation of the plan;

"13. Requests the Secretary-General to ensure the mainstreaming of a system-wide gender perspective in all United Nations activities, including in decision-making as part of the accountability of senior managers;

"14. Urges the Secretary-General to implement the decision taken by the General Assembly at its fiftieth session to strengthen the capacity of the Division on the Advancement of Women of the United Nations Secretariat, and emphasizes the need to provide the necessary resources for the comprehensive follow-up of the Platform for Action in the current revision of the programme budget for the biennium;

"15. Recommends that the Council request the formulation of a new system-wide medium-term plan for the advancement of women to cover the period 2002-2005, and that the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination, submit the new draft plan to the Council at its substantive session of 2000 in order to influence the medium-term plans of the individual organizations of the United Nations system.

"Annex

"COMMENTS OF THE COMMISSION ON THE STATUS OF WOMEN ON THE PROPOSED SYSTEM-WIDE MEDIUM-TERM PLAN FOR THE ADVANCEMENT OF WOMEN, 1996-2001*

"I. GENERAL COMMENTS

"1. The system-wide medium-term plan for the advancement of women, 1996-2001 needs to be more than a compilation of what the organizations of the United Nations system are doing.

"2. The concept of visible mainstreaming should be better reflected in the indicative planning of the system.

"3. The list of actors under different critical areas of concern should not be exclusive.

"4. More emphasis is needed on "policy formulation and guidance", as a bridge between research and analysis, function and operational training.

"5. The United Nations Secretariat as a whole should undertake activities in the critical areas of concern - not only those entities that have a specific mandate on the advancement of women and the operational agencies. Certain entities of the Secretariat, such as the Executive Office of the Secretary-General, the Department of Political Affairs, the Department for Policy Coordination and Sustainable Development, the Office of Legal Affairs and the Department of Humanitarian Affairs, are not included in these activities. As another example, the Joint and Co-sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome needs to be better reflected in the system-wide medium-term plan.

"6. A more strategic orientation on the mainstreaming of a gender perspective within the work of the United Nations is needed.

"II. SPECIFIC COMMENTS

"A. Women and poverty

"1. More emphasis should be placed on the need for joint efforts by the United Nations system as regards the use of gender-disaggregated data and the development of indicators to monitor trends in poverty from a gender perspective.

"2. Insufficient attention is given to an understanding of the underlying causes of poverty.

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* The proposed system-wide medium-term plan for the advancement of women, 1996-2001 was before the Commission in document E/CN.6/1996/CRP.2.

"3. The integration of a gender dimension in the design and implementation of both macroeconomic and micro-economic policies, including structural adjustment programmes, is crucial. The system-wide medium-term plan highlights this as regards both research/analysis and operational activities. It is surprising, however, that no reference is made to the role of the World Bank in paragraph 29 or to United Nations funds and programmes (the United Nations Development Programme, the United Nations Children's Fund and the United Nations Population Fund).

"4. There is the need for all United Nations bodies to be involved in development cooperation activities to mainstream a gender perspective into all their policies and programmes. This would imply the integration of gender analysis and the development of gender expertise both at Headquarters and in the field.

"5. The reference to 'family life education' is rather unclear. The need to integrate education on reproductive and sexual health, including family planning, into all population and development programmes should be addressed.

"B. Education and training of women

"6. Action within the United Nations Secretariat should include analysis and monitoring of data, policy development and coordination of action by various parts of the United Nations. Currently action is limited almost exclusively to United Nations agencies. There are limited references to the Division for the Advancement of Women of the Department for Policy Coordination and Sustainable Development and the Department of Public Information.

"7. The United Nations system should consider how to integrate life-long education and training throughout the activities of the system and promote similar action at the national level. Appropriate support mechanisms for teaching in difficult, especially violent, situations should be established.

"8. Data collection and research should include wider activities of the Department for Economic and Social Information and Policy Analysis.

"9. Data collection should focus on data not currently available. Existing data may need to be presented in a different format to be useful to relevant committees but duplication of data collection should be avoided.

"10. Measures that encourage the participation of girls and women in science and technology in primary, secondary and further education should be included.

"C. Women and health

"11. This section should reflect accurately the terminology from the International Conference on Population and Development and the Fourth World Conference on Women, that is sexual and reproductive health and sexual rights instead of health and family planning.

"12. All parts of the Platform for Action need to be implemented at all levels.

"13. All relevant actors throughout the United Nations, including the Department for Economic and Social Information and Policy Analysis, the United Nations Population Fund and the Centre for Human Rights need to be involved.

"14. The role of caregivers should be included. Activities with respect to HIV/AIDS are welcomed, but the heavy burden of care that is often placed on caregivers, in particular women, needs to be addressed.

"15. The general comments need to avoid duplication of activity; it should be recognized, however, that more than one actor will have an interest in each area.

"16. The involvement of men needs to be further addressed, as does the encouragement of men and women to take responsibility for their sexual and reproductive behaviour.

"17. The Centre for Human Rights should highlight the implications of sexual rights as a human rights issue.

"D. Violence against women

"18. Actions contained in the system-wide medium-term plan in relation to strategic objective D.3 (Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking) of the Platform for Action are very limited, as is the list of organizations involved.

"E. Women and armed conflict

"19. The focus under this critical area of concern should be on actions to be taken by the United Nations system in order to protect women who are victims or who are at risk of becoming victims, of armed conflict from violence and abuse.

"20. Measures to raise awareness of women's rights in armed conflict, and in the training of police, military personnel, health workers, teachers, managers of camps for refugee/displaced persons and so forth should be further elaborated.

"21. Measures to promote the more active participation of women in conflict resolution need to be addressed. In so doing, however, the system-wide medium-term plan should not assume - as the text now does - that there is a main difference between women's and men's attitudes to peace, security and conflict solution.

"F. Women and the economy

"22. In relation to the care of children and dependants and the sharing of family responsibilities, child care and dependant care need to be provided as integral parts of the concept of gender equality and gender analysis, and ILO Convention No. 156 needs to be promoted.

"23. In operational activities, there should be a greater commitment to the provision of care of children and dependants.

"24. The work on indicators should be better coordinated. The World Bank should also be associated with the analysis of data on globalization and change in international work patterns.

"25. Under operational activities, there should be a clearer reference to United Nations system assistance to Governments in implementing policies to ensure women equal rights with men to economic resources; this should include access to ownership and control over land and other forms of property, credit, inheritance, natural resources and new technologies.

"26. As regards women in the rural sector, as reflected in paragraphs 137 and 138 of the system-wide medium-term plan, there should be more emphasis on the concepts contained in the Platform for Action, in particular paragraph 166 (c) thereof.

"G. Women in power and decision-making

"27. The expression 'parity' is not used in the Platform for Action and should not be used in the system-wide medium-term plan.

"28. Decision-making is a cross-cutting theme throughout the Platform for Action and should be addressed at all levels.

"29. The linkage between the productive and reproductive roles of women should be stressed.

"30. Activities within the United Nations Secretariat in this area of concern need to be strengthened.

"31. The United Nations Statistics Division should collect and publicize statistics (in a yearly publication) on the number of women and men throughout the United Nations system at all levels.

"32. Research on men's representation in fields where they are underrepresented should be stressed.

"33. Dialogue with and the participation of local communities and civil society needs to be strengthened in development activities.

"H. Institutional mechanisms for the advancement of women

"34. The United Nations system should take into account that the main task of national machineries for the advancement of women is to support government-wide mainstreaming of a gender perspective in all policy areas, and that Governments should create or strengthen national machineries and other governmental bodies for the advancement of women.

"35. Providing technical assistance and support to Governments on how to strengthen institutional capacities for the advancement of women requires a broader range of actions to be considered than those reflected in the system-wide medium-term plan, which focus particularly on the collection, use and dissemination of data. Including gender capacity-building elements in national plans and development strategies, as well as in supportive efforts provided by international cooperation, should be considered.

"I. Human rights of women

"36. It should be stressed that this is the priority objective of the United Nations.

"37. The United Nations should develop a comprehensive policy programme for mainstreaming the human rights of women throughout the United Nations system emphasizing the strengthening of the cooperation and coordination between different entities of the United Nations in the promotion and protection of the human rights of women.

"38. Reference to sexual and reproductive rights should be included.

"39. Integration of human rights in all activities of the United Nations should be emphasized.

"J. Women and the media

"40. This section should be updated in the light of the Platform for Action and the Programme of Action of the World Summit for Social Development.

"41. The activities of all parts of the United Nations Secretariat should be reflected, not just those of the Division for the Advancement of Women and the Department of Public Information. A gender element is needed in all programmes.

"42. Emphasis should be placed on the ability to communicate in order to get the mainstreaming message across.

"43. Public information and outreach should be undertaken by all parts of the United Nations system. Mainstreaming a gender perspective into all publications is essential. The role of women in political activity, as well as in the social and economic activity in the United Nations system is important. Not only should agencies that have traditionally had a role in this critical area of concern undertake activities, but also others should get more involved in the future.

"K. Women and the environment

"44. In the indication of areas of research, more emphasis should be given to the issues identified in paragraph 258 (b) of the Platform for Action.

"45. The work on indicators should be integrated with the work initiated under the aegis of the Commission on Sustainable Development.

"L. The girl child

"46. Educating the girl child about rights guaranteed to her under international human rights should be given more importance.

"47. Health should be emphasized, including reproductive and sexual health and information on human immunodeficiency virus/acquired immunodeficiency syndrome.

"M. Institutional arrangements

"48. More attention should be given to measures to promote mainstreaming of a gender perspective into all policies and programmes of the United Nations.

"49. Clarification has to be sought on progress regarding innovative mobilization of resources.

"50. Experiences from bilateral cooperation should be taken into account by indicating best practices and the importance of policy dialogue and country strategies.

"51. The role of the Economic and Social Council and the importance of coordinated follow-up of all major United Nations conferences should be further highlighted."

84. At the 16th meeting, on 22 March, the representative of the Philippines, as coordinator of the informal consultations held on agenda item 3, read out the changes to the draft resolution agreed upon during informal consultations.

85. At the same meeting, the Commission agreed to waive rule 52 of the rules of procedure of the functional commissions of the Economic and Social Council and take action on the draft resolution, as orally revised.

86. Also at the same meeting, statements were made by the representatives of Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), Indonesia, who also proposed an amendment to the draft resolution, the Sudan and the Islamic Republic of Iran and the observers for Italy (on behalf of the States Members of the United Nations that are members of the European Union), Ghana, Egypt, the Syrian Arab Republic, Morocco and Canada.

87. The Commission then adopted the draft resolution, as orally revised and amended (see chap. I, sect. C, Commission resolution 40/10).

88. After the draft resolution was adopted, the representative of the Sudan made a statement.

Women and the media

89. At the 16th meeting, on 22 March, the Commission had before it draft agreed conclusions (E/CN.6/1996/L.16) on women and the media, submitted by the Vice-Chairperson, Ljudmila Boskova (Bulgaria), as coordinator of the informal consultations held on the topic.

90. The observer for Canada proposed an amendment to the draft agreed conclusions.

91. At the same meeting, the Commission approved the draft agreed conclusions, as orally amended, and agreed to include them in its final report (see chap. I, sect. C, agreed conclusions 1996/2).

Child and dependant care, including sharing of work and family responsibilities

92. At the 16th meeting, on 22 March, the Commission had before it draft agreed conclusions (E/CN.6/1996/L.17) on child and dependant care, including sharing of responsibilities between men and women, submitted by the Chairperson on the basis of the informal consultations held on the topic.

93. At the same meeting, the Commission agreed to waive rule 52 of the rules of procedure of the functional commissions of the Economic and Social Council and take action on the draft agreed conclusions.

94. Statements were then made by the representative of Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China) and the observer for Italy (on behalf of the States Members of the United Nations that are members of the European Union).

95. Also at the 16th meeting, the Commission approved the draft agreed conclusions and agreed to include them in its final report (see chap. I, sect. C, agreed conclusions 1996/3).

Reports relating to follow-up to the Fourth World Conference on Women

96. At the 16th meeting, on 22 March, the Commission took note of the reports relating to follow-up to the Fourth World Conference on Women (see chap. I, sect. C, Commission decision 40/101).

Chapter III

COMMUNICATIONS CONCERNING THE STATUS OF WOMEN

1. The Commission considered item 4 of its agenda at the 1st meeting, on 11 March, and at the 13th meeting (a closed meeting), on 21 March 1996.

2. At the 1st meeting, on 11 March, pursuant to Economic and Social Council resolution 1983/27, the Commission established a working group to consider communications regarding the status of women. The following five members, nominated by their regional groups, were appointed: Sabria Boukadoum (Algeria), Fadi Karam (Lebanon); Monica Martinez (Ecuador); Zuzana Jezerska (Slovakia); and Sharon Kotok (United States of America). Subsequently, Ana Isabel García (Costa Rica) was appointed to replace Monica Martinez (Ecuador), who was unable to complete her term. The Working Group on Communications on the Status of Women held four meetings.

ACTION TAKEN BY THE COMMISSION

Report of the Working Group on Communications on the Status of Women

3. At the 13th meeting (a closed meeting), on 21 March, the Commission considered the report of the Working Group on Communications on the Status of Women (E/CN.6/1996/CRP.4).

4. At the same meeting, the Commission adopted the report of the Working Group, as amended during the discussion, and agreed to include it in the report of the Commission. The report of the Working Group read as follows:

> "1. The Working Group on Communications on the Status of Women was guided in its deliberations by the mandate given in Economic and Social Council resolution 1983/27 of 26 May 1983.
>
> "2. The Working Group considered the confidential list of communications concerning the status of women (E/CN.6/1996/SW/COMM.LIST/30 and Add.1 and Add.2) and the non-confidential list of communications concerning the status of women (E/CN.6/1996/CRP.32).
>
> "3. The Working Group took note of the three confidential communications received directly by the Division for the Advancement of Women of the United Nations Secretariat, as well as of the 16 communications taken from the confidential list of communications received from the Centre for Human Rights of the United Nations Office at Geneva. It also took note of the non-confidential list of communications on the basis of a summary prepared by the Secretariat.
>
> "4. Regarding the confidential communications received directly by the Division, the Working Group noted some specific trends in the alleged cases of discrimination and/or violation of human rights of women, namely violations of the rights of freedom of expression and of movement; and discrimination in the right to citizenship.
>
> "5. The Working Group also considered the communications received from the Centre for Human Rights and noted the allegations of forced abortion and

other violations of women's human rights in situations of war and armed conflict, such as the systematic practice of rape and abuse as a tactic of war; rape, sexual molestation and torture by security and armed forces; and rape, torture and murder in detention. The Working Group also took note of alleged cases of discriminatory treatment of female babies and rape and abuse of migrant women workers.

"6. From the summary of non-confidential communications, the Working Group took note of alleged cases of violence against women; and noted the lack of women in decision-making, particularly as regards war and conflict resolution. The Working Group also took note of communications relating to the right to inheritance and ownership of land and property.

"7. Having considered the above-mentioned communications, the Working Group noted that some recurring trends could be clearly identified, namely different forms of violence against women and violation of their human rights, particularly in situations of armed conflict and war.

"8. The Working Group expressed appreciation to the Governments for having sent in replies conducive to the clarification of the respective cases; it noted, however, that some Governments had not replied and suggested that the Commission encourage all Governments concerned to cooperate in order to make the communications mechanism more effective.

"9. The Working Group emphasized that the communications procedure of the Commission on the Status of Women was not sufficient and, therefore, not effective. In that regard, the Working Group recommended that the Commission's communications procedure be further improved."

Chapter IV

ELABORATION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

1. The Commission considered item 5 of its agenda at the 2nd, 4th, 7th, 14th and 16th meetings, on 11, 12, 14, 21 and 22 March 1996. It had before it the report of the Secretary-General on the elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women (E/CN.6/1996/10 and Corr.1 and Add.1 and 2).

ACTION TAKEN BY THE COMMISSION

Elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women

2. At the 14th meeting, on 21 March, the Chairperson of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Aloisia Wörgetter (Austria), introduced and orally revised a draft resolution (E/CN.6/1996/L.11) entitled "Elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women", the annex to which contained a draft decision on the renewal of the mandate of the Working Group, recommended for adoption by the Economic and Social Council.

3. At the 16th meeting, on 22 March, the Secretary of the Commission read out the following statement with regard to the programme budget implications of the draft resolution:

> "In adopting the programme budget for the biennium 1996-1997, the General Assembly decided that savings of $103.9 million were to be achieved in the programme budget during the biennium. Under the circumstances, it is not possible at this stage to modify the calendar of conferences in order to accommodate the additional meetings in 1997 for the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the full cost of which is estimated at $161,000. The possibility of additional meetings will be reviewed at the fifty-first session of the General Assembly."

4. At the same meeting, the observer for the United Kingdom of Great Britain and Northern Ireland made a statement, which was responded to by the Chairperson of the Working Group.

5. Also at the 16th meeting, the Commission adopted the draft resolution, as orally revised (see chap. I, sect. C, Commission resolution 40/8), and the draft decision annexed thereto (see chap. I, sect. B, draft decision I).

6. The observer for the United Kingdom of Great Britain and Northern Ireland made a statement.

Report of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

7. At the 16th meeting, on 22 March, the Commission had before it the draft report of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (E/CN.6/1996/WG/L.1 and Add.1), submitted by the Chairperson of the Working Group, Ms. Wörgetter (Austria), who orally revised it.

8. At the same meeting, the Commission adopted the draft report of the Working Group, as orally revised, and agreed to annex it to the final report of the Commission (see annex III below).

9. The observer for Sweden made a statement.

Chapter V

PROVISIONAL AGENDA FOR THE FORTY-FIRST SESSION OF THE COMMISSION

1. The Commission considered item 6 of its agenda at the 14th to 16th meetings, on 21 and 22 March 1996 (for the discussion, see chap. II, paras. 79-81).

2. At the 16th meeting, on 22 March, the Commission agreed that, in the light of the adoption of draft resolution E/CN.6/1996/L.13 (see chap. II, para. 82), which contained, *inter alia*, a multi-year work programme for the Commission and an agenda for the forthcoming session, no further action was required under agenda item 6.

Chapter VI

ADOPTION OF THE REPORT OF THE COMMISSION ON ITS FORTIETH SESSION

1. At the 16th meeting, on 22 March 1996, the Rapporteur introduced the draft report of the Commission on its fortieth session (E/CN.6/1996/L.2 and Add.1), and orally corrected it.

2. At the same meeting, the Commission adopted the draft report, as orally corrected, and entrusted the Rapporteur with its completion.

Chapter VII

ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Commission on the Status of Women held its fortieth session at United Nations Headquarters from 11 to 22 March 1996. The Commission held 16 meetings (1st to 16th). In accordance with Economic and Social Council resolution 1995/29, a number of informal meetings of an open-ended working group on the elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women were also held.

2. The session was opened by the Chairperson of the thirty-ninth session, Patricia Licuanan (Philippines), who also made a statement.

B. Attendance

3. The session was attended by representatives of the 45 States members of the Commission. Observers for other States Members of the United Nations and for non-member States, representatives of organizations of the United Nations system and observers for intergovernmental, non-governmental and other organizations also attended. A list of participants is contained in annex I to the present report.

C. Election of officers

4. At the 1st and 2nd meetings, on 11 March, the Commission elected the following officers by acclamation:

Chairperson: Sharon Brennen-Haylock (Bahamas)

Vice-Chairpersons: Ljudmila Boskova (Bulgaria)
Rafika Khouini (Tunisia)
Karin Stoltenberg (Norway)

Rapporteur: Sweeya Santipitaks (Thailand)

D. Agenda and organization of work

5. At the 1st meeting, on 11 March, the Commission adopted its provisional agenda and approved its organization of work, as contained in document E/CN.6/1996/1. The provisional agenda read as follows:

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

3. Follow-up to the Fourth World Conference on Women:

    (a) Mandate, methods of work and multi-year work programme of the Commission on the Status of Women;

(b) Review of mainstreaming in organizations of the United Nations system;

(c) Implementation of strategic objectives and action in the critical areas of concern:

  (i) Poverty;

  (ii) Women and the media;

  (iii) Child and dependant care, including sharing of responsibilities between men and women.

4. Communications concerning the status of women.

5. Elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

6. Provisional agenda for the forty-first session of the Commission.

7. Adoption of the report of the Commission on its fortieth session.

6. At the 2nd meeting, on 11 March, the Vice-Chairperson of the Commission, Karin Stoltenberg (Norway), was appointed Chairperson of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, established in accordance with Economic and Social Council resolution 1995/29. Ms. Stoltenberg was subsequently succeeded as Chairperson of the Working Group by Aloisia Wörgetter (Austria).

E. Consultations with non-governmental organizations

7. Written statements submitted by non-governmental organizations in accordance with rule 76 of the rules of procedure of the functional commissions of the Economic and Social Council (E/5975/Rev.1) are listed in annex II to the present report.

Annex I

ATTENDANCE

Members

Algeria	Ramtane Lamamra, Sabria Boukadoum, Amina Mesdoua
Angola	
Australia	Elaine McKay, Dianne Hariot, Stephen Lloyd, Shirley Lithgow, Kathy Wong, Jane Connors, Jo Wainer
Austria	Ernst Sucharipa, Aloisia Wörgetter, Brigitte Brenner, Ingrid Siess, Irene Freudenschuss-Reichl
Bahamas	Harcourt L. Turnquest, Sharon Brennen-Haylock, Cora Bain-Colebrooke, Allison Christie
Belarus	Nataliya Drozd, Igar Gubarevich
Belgium	Alex Reyn, Dirk Wouters, Lily Boeykens, Nathalie Cassiers
Brazil	Marcela M. Nicodemos
Bulgaria	Ludmila Bojkova, Valentin Hadjiyski
Chile	
China	Wang Shuxian, Wang Xuexian, Zhang Fengkun, Zou Xiaoqiao, Liu Zhixian, Du Yong, Shi Weiqiang, Xie Bohua, Li Sangu, Huang Shu
Colombia	
Congo	Marie-Thérèse Avemeka, Daniel Abibi, Corneille E. Moka, Marguerite Tchimbakala, Gisèle Bouanga Kalou
Costa Rica	Fernando Berrocal Soto, Emilia Castro de Barish, Liliana Hernández Valverde, Ana Isabel García
Cuba	Yolanda Ferrer Gómez, Magalys Arocha Domínguez, Ritz M. Pereira Ramírez, Rodolfo Reyes Rodríguez, Margarita Valle Camino
Cyprus	Erato Kozakou-Marcoulli
Dominican Republic	
Ecuador	Monica Martinez
France	Claire Aubin, Caroline Mechin, Danièle Refuveille, Sylvie Crouzier, Laurent Contini, Frédéric Desagneaux
Greece	Anna Frangoudaki

Guinea	Camara Hadja Mahawa Bangoura, Coumbassa Hadj Hawaou Diallo, Mafoula Sylla, Fatoumata Diaraye Diaby, Aissatou Poréko Diallo, Balla Moussa Camara
Guinea-Bissau	
India	Prakash Shah, Sarala Gopalan, Mitra Vasisht, A. K. Sinha, G. Mukhopadhaya, S. Rama Rao
Indonesia	Rini Soerojo, Isslamet Poernomo, Sri Tadjudin, Mubyarto Martodinoto, Sutjiptohardjo Donokusumo, Wiwiek Setyawati, R. A. Esti Andayani, Riyadi Asirdin
Iran, Islamic Republic of	Mehdi Danesh Yazdi, Gholam Hossein Dehghani, Farideh Hassani, Afsaneh Nadipour
Japan	Makiko Sakai, Fumiko Saiga, Ahniwa Natori, Eiko Nakamura, Fumiko Suzuki, Junko Uchino, Mitsuko Ito, Jiro Usui, Kayo Fujita, Michiko Iino, Kiyoko Kani, Mika Ichihara
Kenya	
Lebanon	Samir Moubarak, Fadi Karam
Libyan Arab Jamahiriya	Asmahan Salem Eddib, Jamaleddin A. Hamida
Malaysia	
Mali	
Mexico	Aída González Martínez, Yanerit Morgan, Socorro Flores Liera
Namibia	Netumbo Nandi-Ndaitwah, Maria Kapere, Silba Tjipueja, Hazel de Wet, Frances Matros
Norway	Karin Stoltenberg, Sissel Salomon, Marianne Loe, Sten Arne Rosnes, Anne Havnør, Guro Camerer, Else Annette Grannes, Turid Leirvoll
Philippines	Patricia B. Licuanan, Maria Lourdes V. Ramiro-Lopez, Ruth S. Limjuco, Imelda Nicolas, Myrna Feliciano, Aurora Javate De Dios, Glen Corpin, Eleonor Conda
Portugal	
Republic of Korea	Kim Jang-Sook, Hahm Myung Chul, Hwang In-Ja, Lee Kwang Jae, Park Bok Soon, Park Enna, Oh Huun-Joo, Lee Jeong-Shim, Kim Yung-Chung, Kang Sun-Hye
Russian Federation	L. F. Byezlepkina, A. V. Aparina, G. N. Galkina, B. G. Stepanov, O. Y. Sepelev, U. V. Chriskov, M. O. Korunova
Slovakia	Zuzana Jezerska

Sudan	
Swaziland	Moses M. Dlamini, Joel M. Nhleko, Audrey L. Nhlabatsi, Nonhlanhla P. Tsabedze, Melusie M. Masuku
Thailand	Asda Jayanama, Saisuree Chutikul, Thakur Phanit, Sriwatana Chulajata, Karn Chiranond, Vanida Suwankiri, Sweeya Santipitaks
Togo	Kissem Tchanghai-Walla, Katoa Nignigaba Takouda
Tunisia	Slaheddine Abdellah, Rafika Khouini, Saida Agrebi, Wahid Ben Amor
United States of America	Linda Tarr-Whelan, Melinda L. Kimble, Victor Marrero, Maria Antonietta Berriozabal, Mary Purcell, Ann Bookman, Iris Burnett, Kathleen Hendrix, Gracia Hillman, Sharon Kotok, Theresa Loar, Nigel Purvis, Lucy Tamlyn, Bisa Williams-Manigault

States Members of the United Nations represented by observers

Albania, Antigua and Barbuda, Azerbaijan, Bahrain, Botswana, Burkina Faso, Canada, Côte d'Ivoire, Czech Republic, Denmark, Dominican Republic, Egypt, Ethiopia, Fiji, Finland, Germany, Ghana, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakstan, Lesotho, Liberia, Lithuania, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Pakistan, Peru, Poland, Romania, South Africa, Spain, Sweden, Syrian Arab Republic, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Zambia, Zimbabwe

Non-member States represented by observers

Holy See, Switzerland

United Nations

United Nations Children's Fund, United Nations Development Fund for Women, United Nations Development Programme, Economic and Social Commission for Asia and the Pacific, Economic Commission for Africa, Economic Commission for Europe, Office of the United Nations High Commissioner for Refugees, International Research and Training Institute for the Advancement of Women, Centre for Human Rights

Specialized agencies and related organizations

International Labour Organization, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, World Health Organization, International Monetary Fund, United Nations Industrial Development Organization

Intergovernmental organizations represented by observers

Commonwealth Secretariat, European Community, Organization of African Unity, Organization of American States

Other organizations represented by observers

Palestine

Non-governmental organizations

Category I: American Association of Retired Persons, Association for Progressive Communications, Inter-Parliamentary Union, International Confederation of Free Trade Unions, International Council of Women, National Council of Negro Women, Inc., Soroptimist International, World Federation of United Nations Associations, Zonta International

Category II: All-China Women's Federation, Anglican Consultative Council, Bahá'í International Community, Education International, International Federation of Settlements and Neighborhood Centres, International Federation of University Women, National Council of German Women's Organizations - Federal Union of Women's Organizations and Women's Groups of German Associations, E.V., Pan-Pacific and South-East Asia Women's Association, Women's International League for Peace and Freedom, World Information Transfer

Roster: International Women's Anthropology Conference, Inc., Women's Environment and Development Organization

Other non-governmental organizations: 3HO Foundation, African Women's Development and Communication Network (FEMNET), AGORA, Agrupación de Mujeres Tierra Viva, Ain O Salish Kendra, Al-Khoei Foundation, Alliance des femmes haitiennes, Alliance for Life, American Jewish Committee, The, American Jewish Congress Commission on Women's Equality, Armenian International Women's Association, Armenian Relief Society, Inc., Arthur and Elizabeth Schlesinger Library on the History of Women in America, Radcliffe College, Asociación Española de Mujeres Juristas (A.E.M.J.), Associacao Nacional das Empresarias, Association de lutte contre les violences faites aux femmes, Association of Interbalkan Women's Cooperation Societies, Association of Women of Kyrgyzstan for Nuclear World and Ecological Security, Association of Women's Organizations of Jamaica, Association Seve savoir et vouloir entreprendre, Associazione Delle Donne Democratiche-Iraniane Residente in Italia, Bangladesh Nari Progati Sangha, Banulacht, British Association of Women Entrepreneurs (BAWE), Business and Professional Women's Club, Camino Foundation, Caribbean People Development Agency (CARIPEDA), Center for the Advancement of Women, Center for Women's Global Leadership, Center of Arab Women for Training and Research (CAWTAR), Central Committee for Women's Rights Movements in Gothenberg/Sweden, Centre d'études et de recherche sur la population et le développement, Centre for International Studies/University College of Cape Breton, Centre for Women, the Earth, the Divine (CWED), Centro de Investigación para la Acción Femenina, Centro de Investigacion Social, Formación y Estudios de la Mujer (CISFEM), Centro de la Mujer Peruana Flora Tristan, Centro di Cooperazione Familiare, Children and Mothers Welfare Society, China Association of Women Entrepreneurs, China Population Welfare Foundation, China Society for Human Rights Studies, Chinese Education Association for International Exchange, CLADEM - Peru, Coalition of Australian Participating Organizations of Women (CAPOW), Coalition on Women and Religion (CWR)/Church Council of Greater Seattle, Collectif 95 Maghreb egalite, Comite national d’action pour les droits de l’enfant et de la femme, Committee on Family, Women and Demographic Policy to the President of the Republic of Sakha (YAKUTIA), Confederacao das Mulheres Do Brasil (Brazilian Women Confederation), Congregations of Saint Joseph, Congregazione di Nostra Signora di Carita del Buon Pastore, Congress of Black Women of Canada, Coordination francaise pour le Lobby européen des femmes (C.L.E.F.), Council of Nordic Trade Unions, Departmento de la Mujer de la Asociación Trabajadores del Estado, Dialogue on Diversity, Inc., Ecological Rights Association (ERA), Educación, Cultura y Ecología A.C., Emakunde/Instituto Vasco de la Mujer, Environmental Women’s Assembly, European Union of Women (British Section), Family Care International, Inc., Federación Española de Asociaciones Pro Vida, Federación Nacional de Asociaciones de Mujeres para la Democracia, Federally Employed Women, Inc., Femme développement entreprise en Afrique, Femme et monde rural, Ford Foundation, The, Franciscans International, Francois-Xavier Bagnoud Center for Health and Human Rights, French Confederation of the Catholic Families Association, Friendship Ambassadors Foundation, Fundación 8 de Marzo, Fundación de Mujeres Profesionales, Fundación Grupo de Estudios Sobre la Condición de la Mujer en el Uruguay, Girls Incorporated, Global Alliance for Women’s Health, Grail, The (International Presidency Team), Groupe de recherche d’études et de formation femmes action (GREFFA), Groupement des femmes d’affaires de Guinée, Harvard Institute for International Development/MIT Women in Development Group, Humanitarian Law Project, Indian Women’s Group of Trinidad and Tobago, Institut africain pour la démocratie, Institute for the Study of Women/Mount Saint Vincent University, Institute for Urban Research/Morgan State University, Institute of Sisters of Mercy of the Americas, Instituto Ecuatoriano de Investigaciones y Capacitación de la Mujer (IECAIM), Inter-American Parliamentary Group on Population and Development, International Center for Research on Women, International Coalition on Women and Credit, International Gay and Lesbian Human Rights Commission, International Reproductive Rights Research Action Group, International Women Count Network, International Women’s Rights Action Watch, Islamic Women’s Institute of Iran (IWII), Japan Federation of Bar Associations (JFBA), Karamah: Muslim Women Lawyers Committee for Human Rights, Inc., Korean American Coalition on Jungshindae, Inc., Korean Association of Women Theologians, Korean Institute for Women and Politics (KIWP), Leadership Conference for U.S. Dominican Religious, Maryknoll Sisters of St. Dominic, Inc., Medical Association in Jamaica, Mira Med Institute, Mobility International U.S.A., Moral Rearmament, Inc., NAACP Legal Defense and Educational Fund, Naripokkho, National Action Committee on the Status of Women, National Association of Negro Business and Professional Women’s Clubs, Inc., National Committee of Women for Democratic Iran, National Council for Research on Women, National Council of African Women, National Council of Women of Canada (NCWC), National Council of Women of the United States, Inc., National Federation of International Organizations for Immigrant Women-Sweden, National Institute of Womanhood (NIW), The, National Spiritual Assembly of the Baha’is of the United States, New Zealand Federation of University Women, NGO Commonwealth Women Network, Nizhny Novgorod League of Business Women, North America Taiwanese Women’s Association, Office of Women in Higher Education/American Council on Education, Organisation de la femme istiqlalienne, Organization of Turkish Childrens’ Rights Summit, Organizing Committee/People’s Decade of Human Rights Education, Pacific Rim Institute for Development and Education (PRIDE), Philadelphia Yearly Meeting of the Religious Society of Friends, Programme Support Unit Foundation, Red Nacional de Promoción de la Mujer - Perú, Republican Counsil of Women’s Organizations, Research Action Information Network for Bodily Integrity of Women, Reseau femmes africaines et droits humains (REFAD), Ribbon International, SACH-Struggle for Change, Sahaja Yoga International, Scottish Education and Action Development, Sewa-Nepal, Shanghai

Women's Studies Association, Slovak Women's Social Democracy Community, Society for Interbalkan Cooperation of Romanian Women (SICRW), Sociologists for Women in Society, Soroptimist International - Bangladesh, Temple University (Commonwealth), Tunisian Mothers' Association, Ugnayas Ng Kababaihan Sa Politika (Philippines), Union nationale pour le soutien et la promotion de la femme au foyer "Femmes actives au foyer", United Nations Women's Guild, US-China People's Friendship Association (USCPFA), Voice of Women for Peace (Canada), WIN Visible - Women with Visible and Invisible Disabilities, Women Convention Watch Indonesia, The, Women Empowering Women of Indian Nations, Women in International Security (WIIS), Women of Reform Judaism, The Federation of Temple Sisterhoods, Women's Alliance for Democracy, Women's Caucus, International Aids Society (NYS State Psychiatric Institute/HIV Center for Clinic and Behaviour Study), Women's Council of the University of Missouri-Kansas City (UMKC), Women's Health in Women's Hands: a Community Health Centre for Women, Women's Network of the International Health Futures Network, Women's Society (Zhinocha Hromada), Working Women National Committee of the Puerto Rican Labor Central, World Association of Community Radio Broadcasters (AMARC), World Organization for the Family, YWCA of Australia (Young Women's Christian Association of Australia), Zigen Fund, Zonta Club Bratislava-Slovakia (National Network of Zonta International)

Annex II

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS FORTIETH SESSION

Document symbol	Agenda item	Title or description
E/CN.6/1996/1	2	Provisional agenda
E/CN.6/1996/2	3 (a)	Mandate, methods of work and multi-year work programme of the Commission: report of the Secretary-General
E/CN.6/1996/3	3	Ways to enhance the capacity of the Organization and of the United Nations system to support the ongoing follow-up to the Conference: report of the Secretary-General
E/CN.6/1996/4	3	Elimination of stereotyping in the mass media: report of the Secretary-General
E/CN.6/1996/5	3	Child and dependant care, including the sharing of work and family responsibilities: report of the Secretary-General
E/CN.6/1996/6	3	Education for peace: report of the Secretary-General
E/CN.6/1996/7	3 (b)	Improvement of the status of women in the Secretariat: report of the Secretary-General
E/CN.6/1996/8	3	Situation of and assistance to Palestinian women: report of the Secretary-General
E/CN.6/1996/9	3 (b)	Extent to which violations of women's human rights have been addressed by human rights mechanisms: report of the Secretary-General
E/CN.6/1996/10 and Corr.1 and Add.1 and 2	5	Elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women: report of the Secretary-General
E/CN.6/1996/11	3	Implementation of General Assembly resolution 50/166 on the role of the United Nations Development Fund for Women in eliminating violence against women: note by the Secretary-General
E/CN.6/1996/12	3	Violence against women migrant workers: note by the Secretary-General

Document symbol	Agenda item	Title or description
E/CN.6/1996/13	3 (b)	Joint work plan of the Division for the Advancement of Women and the Centre for Human Rights: report of the Secretary-General
E/CN.6/1996/14	3	Proposals for the medium-term plan for the period 1998-2001: note by the Secretary-General
E/CN.6/1996/L.1	3	Argentina, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Cambodia, Ecuador, Egypt, Georgia, Kuwait, Kyrgyzstan, Malaysia, Mozambique, Pakistan, Togo, Tunisia, Turkey, Turkmenistan, United Arab Emirates, Uzbekistan and Zimbabwe: draft resolution
E/CN.6/1996/L.2 and Add.1	7	Draft report of the Commission on its fortieth session
E/CN.6/1996/L.3	3	United States of America: draft resolution
E/CN.6/1996/L.4	3	Australia, Canada and Norway: draft resolution
E/CN.6/1996/L.5	3	Fiji, Ghana, Nigeria, Philippines and Thailand: draft resolution
E/CN.6/1996/L.6	3	Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China): draft resolution
E/CN.6/1996/L.7	3	Fiji, Ghana and Philippines: draft resolution
E/CN.6/1996/L.8/Rev.1	3	Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China): revised draft resolution
E/CN.6/1996/L.9	3	Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China): draft resolution
E/CN.6/1996/L.10	3	Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China): draft resolution

Document symbol	Agenda item	Title or description
E/CN.6/1996/L.11	5	Draft resolution submitted by the Chairperson of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on the basis of informal consultations
E/CN.6/1996/L.12	3	Conclusions regarding methods of work for dealing with the implementation of the Platform for Action adopted by the Fourth World Conference on Women, submitted by the coordinator of informal consultations on agenda item 3, Patricia Licuanan (Philippines)
E/CN.6/1996/L.13	3	Draft resolution submitted by the coordinator of informal consultations on agenda item 3, Patricia Licuanan (Philippines)
E/CN.6/1996/L.14	3 (c) (i)	Draft resolution submitted by the Chairperson as the basis for informal consultations
E/CN.6/1996/L.15	3	Italy (on behalf of the States Members of the United Nations that are members of the European Union): draft resolution
E/CN.6/1996/L.16	3 (c) (ii)	Draft agreed conclusions submitted by the Vice-Chairperson of the Commission, Ljudmila Boskova (Bulgaria)
E/CN.6/1996/L.17	3	Agreed conclusions submitted by the Chairperson on the basis of informal consultations
E/CN.6/1996/NGO/1	3	Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Federation of Business and Professional Women, Soroptimist International, Zonta International (category I); International Council on Alcohol and Addictions (ICAA), Italian Centre of Solidarity, Socialist International Women (SIW), World Association of Girl Guides and Girl Scouts (category II); International Inner Wheel, International Round Table for the Advancement of Counselling (IRTAC) (Roster)

Document symbol	Agenda item	Title or description
E/CN.6/1996/NGO/2	3	Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Federation of Business and Professional Women, Soroptimist International, Zonta International (category I); International Council on Alcohol and Addictions (ICAA), Italian Centre of Solidarity, Socialist International Women (SIW), World Association of Girl Guides and Girl Scouts (category II); International Inner Wheel, International Round Table for the Advancement of Counselling (IRTAC) (Roster)
E/CN.6/1996/NGO/3	3	Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Council of Women, International Federation of Business and Professional Women, Soroptimist International, Zonta International (category I); Italian Centre of Solidarity, Socialist International Women (SIW), World Association of Girl Guides and Girl Scouts (category II); International Inner Wheel, International Round Table for the Advancement of Counselling (IRTAC) (Roster)
E/CN.6/1996/NGO/4	3	Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Federation of Business and Professional Women, Zonta International (category I); International Council on Alcohol and Addictions (ICAA), Socialist International Women (SIW), World Association of Girl Guides and Girl Scouts (category II); International Inner Wheel, International Round Table for the Advancement of Counselling (IRTAC) (Roster)
E/CN.6/1996/NGO/5	3	Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: International Alliance of Women - Equal Rights, Equal Responsibilities, International Federation of Business and Professional Women, Soroptimist International, Zonta International (category I); All India Women's Conference, Arab Lawyers Union,

Document symbol	Agenda item	Title or description
		World Federation of Methodist Women (WFMW), World Federation for Mental Health (category II)
E/CN.6/1996/NGO/6	5	Statement submitted by the Commission for the Defence of Human Rights in Central America, a non-governmental organization in consultative status with the Economic and Social Council, category II
E/CN.6/1996/CRP.1	3 (b)	Results of the fifteenth session of the Committee on the Elimination of Discrimination against Women: note by the Secretary-General
E/CN.6/1996/CRP.2	3 (b)	Proposed system-wide medium-term plan for the advancement of women 1996-2001: report of the Secretary-General
E/CN.6/1996/CRP.3	3 (c)	Follow-up to the Fourth World Conference on Women: implementation of strategic objectives and action in the critical areas of concern: poverty: report of the Secretary-General
E/CN.6/1996/CRP.4	4	Report of the Working Group on Communications on the Status of Women
E/CN.6/1996/WG/L.1 and Add.1	5	Draft report of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

Annex III

REPORT OF THE OPEN-ENDED WORKING GROUP ON THE ELABORATION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

1. The Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was convened pursuant to Economic and Social Council resolution 1995/29 of 24 July 1995 to consider a comprehensive report by the Secretary-General, including a synthesis, on the views of Governments, intergovernmental organizations and non-governmental organizations on an optional protocol to the Convention, including views related to feasibility, taking into account the elements suggested by the Committee on the Elimination of Discrimination against Women in suggestion 7, adopted at its fourteenth session. a/

2. At the 4th plenary meeting, on 12 March, the Vice-Chairperson of the Commission, Karin Stoltenberg (Norway) was designated Chairperson of the Working Group. Mr. Phakiso Mochochoko (Lesotho) presided at the 6th meeting of the Working Group, on 14 March. At the 7th plenary meeting, on 14 March, Aloisia Wörgetter (Austria) was designated Chairperson of the Working Group to replace Ms. Stoltenberg (Norway), who had resigned owing to unforeseen circumstances.

3. The Working Group met from 11 to 22 March 1996. It held 10 meetings (1st to 10th) and two informal meetings. It had before it the report of the Secretary-General on the elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women (E/CN.6/1996/10 and Corr.1 and Add.1 and 2).

4. At the 1st meeting, on 11 March, the acting Chairperson opened the meeting and made a statement. The Director of the Division for the Advancement of Women made an introductory statement.

5. At the same meeting, in order to assist it in its deliberations, the Working Group was briefed by a member of the Human Rights Committee on the provisions, procedures and experience of the Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights. He also responded to questions raised by delegations.

6. At the 2nd, 5th, 7th and 9th meetings, on 12, 13, 14 and 18 March, the Chairperson of the Committee on the Elimination of Discrimination against Women made a statement and responded to questions raised by delegations with regard to specific elements proposed by the Committee in suggestion 7, as well as with regard to the working methods of the Committee in the examination of States parties' reports.

7. At the 5th and 7th to 9th meetings, on 13, 14 and 18 March, the representative of the Centre for Human Rights responded to questions raised by delegations with regard to the practice and procedures of other United Nations human rights mechanisms.

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a/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 38 (A/50/38), chap. I, sect. B.

8. At the 10th meeting, on 19 March, at the invitation of the Working Group, two members of the Human Rights Committee made statements and responded to questions raised by delegations with regard to the subject of justiciability.

9. The Working Group, at the invitation of the Chairperson, first held a general exchange of views on the question of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, followed by a systematic and in-depth exchange of views on aspects that would need to be addressed in such a protocol, using as a basis for discussion the elements proposed by the Committee on the Elimination of Discrimination against Women in suggestion 7.

A. General exchange of views

10. Support was expressed in favour of an optional protocol to the Convention and the process initiated for its elaboration. Delegations stated their readiness to cooperate and to participate actively in the Working Group to achieve an effective instrument that would command the greatest possible support and a large number of ratifications.

11. However, delegations raised several obstacles and difficulties to be addressed in the elaboration of a protocol and put forward questions that needed to be clarified and extensively considered in the process.

12. It was argued that an optional protocol would increase the efficacy of the Convention, and lead to more effective protection and promotion of the human rights of women. Such a procedure would strengthen the Convention and put it on an equal footing with other human rights treaty mechanisms. The view was expressed that a communications procedure could place undue attention on individual cases, whereas situations of massive violations needed to be addressed.

13. Many delegations pointed out that the preparation of an optional protocol was a key element in the follow-up to the World Conference on Human Rights and the Fourth World Conference on Women. It represented a unique opportunity to fill procedural gaps in existing mechanisms. During its preparation, the reasons for the low number of ratifications of other complaints mechanisms could be assessed with a view to avoiding them in the instrument.

14. Many delegations pointed out that the question of the relationship between the proposed optional protocol and existing mechanisms providing for a communications procedure needed careful consideration. In that regard, overlapping or duplication would have to be avoided; the need for streamlining of the human rights machinery was noted. Efforts to mainstream women's human rights and a gender perspective into the general human rights activities were mentioned. It was also emphasized that, while the question of overlapping and duplication presented a challenge, it should not stand in the way of the elaboration of such a procedure. The question of overlapping had also been raised, inter alia, at the time of the drafting of the Convention on the Elimination of All Forms of Discrimination against Women, and its reporting procedure, both of which are now widely accepted.

15. The possible complementary role that a well-drafted protocol could play within the human rights system was highlighted, especially given the wider scope of the provisions of the Convention. The scope of other procedures and the fact that the rights of women were not their main focus were noted. The elements

proposed by the Committee on the Elimination of Discrimination against Women and those contained in the Maastricht draft would be useful in the work ahead.

16. Reference was made to procedures under a number of treaty-based and Charter-based human rights mechanisms. It was noted that the different nature of the communications procedure of the Commission on the Status of Women would not overlap with an optional protocol. The view was expressed that an optional protocol should not establish an essentially different approach from the one contained in the first Optional Protocol to the International Covenant on Civil and Political Rights. However, further comparison with the mandates and jurisprudence of existing machinery would help to identify where further work was needed to support the realization of women's rights.

17. The question of the justiciability of rights contained in the Convention on the Elimination of All Forms of Discrimination against Women under an optional protocol on the right to petition was addressed by many delegations. Several delegations pointed to the diverse nature of States parties' obligations under the various provisions of the Convention, and the implications for their justiciability. It was suggested that some provisions were clearly suited to be the subject of a petition procedure, while other provisions were of a more programmatic nature for which a different procedure might be required. Thus, work on an optional protocol would need to proceed in the light of the various types of provisions contained in the Convention. On the other hand, a number of delegations expressed the view that all substantive provisions of the Convention should be considered justiciable under an optional protocol.

18. Several delegations commended the important work done by the Committee on the Elimination of Discrimination against Women. The need to strengthen the Committee through, inter alia, an increase in resources and meeting time was expressed. Concern was expressed by some delegations that despite the recent proposal to extend the Committee's meeting time, this might not be sufficient to deal both with the existing backlog in report consideration and with the task of considering communications.

19. Some delegations expressed concern with regard to possible financial implications resulting from the adoption of an optional protocol. The costs involved would need to be estimated. Some delegations expressed the view that the elaboration of an optional protocol might not be the best use of resources for maximizing the effectiveness of women's enjoyment of their rights. Instead, the achievement of universal ratification and better implementation of the Convention should be pursued, including through better and more timely reporting to the Committee.

B. In-depth consideration of major aspects to be covered by an optional protocol, following the elements contained in suggestion 7 of the Committee on the Elimination of Discrimination against Women

20. The Chairperson invited the Working Group, in addressing the specific elements proposed by the Committee on the Elimination of Discrimination against Women, to take into consideration the cross-cutting themes that had emerged during the general exchange of views, such as the question of overlapping with existing procedures, and the question of justiciability, as applicable. She informed the Working Group of her intention to call also on non-governmental organizations to make their comments on specific elements.

Element 5

21. Some delegations considered the element to be generally acceptable. It was proposed to add the option of signing the optional protocol: "... option to sign and ratify or accede to the optional protocol".

22. The question of the status and impact of reservations entered to provisions of the Convention by States parties with regard to the admissibility of communications under the optional protocol was discussed. Delegations considered that ratification of the optional protocol would leave substantive reservations to the Convention unaffected, without prejudice to the permissibility of a reservation and its compatibility with the Convention and with international treaty law. While it was agreed that reservations were permissible under the Convention, reference was made to article 28.2: "A reservation incompatible with the object and purpose of the Convention shall not be permitted." Thus, it was observed that it would be up to the Committee to examine the compatibility of such reservations with the Convention, and, consequently, the admissibility of a communication.

23. With regard to justiciability, it was suggested that this question would be especially relevant to discussions on the type of procedure to be contained in an optional protocol, and its relation to the various provisions of the Convention, including whether the programmatic provisions would be excluded from being justiciable under an individual complaints procedure. The view was expressed that only those provisions of the Convention that established absolute obligations could be justiciable. The types of views expressed by the Committee at the conclusion of an examination would also be relevant in this regard.

24. Some delegations stated that it should be left to the Committee to determine the question of justiciability on the basis of concrete cases, rather than to exclude *a priori* certain provisions.

25. It was stated that the question of justiciability was not limited to the Convention on the Elimination of All Forms of Discrimination against Women. It was also relevant to, for example, the International Convention on the Elimination of All Forms of Racial Discrimination, yet in that case, the complaints procedure of article 14 covered the Convention as a whole. In considering it, the importance of the implementation of treaties in good faith and according to the principle of *pacta sunt servanda* was stressed. Some delegations stated that, while some provisions of the Convention had direct effects and could, as well as should, be implemented immediately, including the non-discrimination provision, other provisions might have to be implemented progressively. The guiding legal principle, however, should be that States parties are under an obligation to take steps towards achieving the goals, an obligation for which they could be held accountable.

Element 6

26. On the recommendation of the Chairperson, no in-depth discussion of element 6 took place, as subsequent elements addressed the various aspects of a communications procedure (elements 7-16) and an inquiry procedure (elements 17-23).

27. While some delegations proposed the retention of only the communications procedure, others noted the need for both a communications and an inquiry procedure.

28. The view was stated that the purpose of the optional protocol would determine whether only one, or both procedures, would be needed. The examination of individual complaints, in an approach similar to other existing individual complaints procedures, was seen as the principal purpose of an optional protocol. The view was expressed that only justiciable provisions should fall under the individual complaints procedure, whereas violations of the provisions of the Convention of a more general nature could be addressed, for example, in the framework of the reporting procedure.

Element 7

29. With respect to this element, the question of who should have standing to submit a communication was discussed, and whether this should be extended to a person or group having sufficient interest in the matter.

30. Some delegations were of the view that individuals as well as groups should have standing, along the lines of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as of some regional procedures. Standing for groups would be needed in cases of major violations. The language could be specified to read: "groups or organizations with specific interest in women". It was proposed that "groups" could be more specific, such as "groups of persons", or "groups of individuals", or "groups acting on behalf of individuals". Other delegations referred to the example of the first Optional Protocol to the International Covenant on Civil and Political Rights, which granted standing to individuals only. The view was expressed that only victims themselves should have standing.

31. It was stated that, owing to the quasi-judicial nature of the procedure, an approach that allowed groups of victims to file complaints would not be favoured. The comparison to national judicial processes was made, which also did not allow such group complaints. At the same time, the important role of organizations in assisting victims in filing complaints was stressed. The distinction between the victim having the right to complain, and the person, group, or representative who may file a complaint on the person's behalf, would need to be made clear. In this view, other procedures, such as the communications procedure of the Commission on the Status of Women, were considered more appropriate for widespread or systematic violations.

32. Many delegations stated that the term "organization" needed clarification. Any difference to "groups" would need to be elaborated. If "organization" meant "non-governmental organizations", then it should be so stated, in which case it might be merged with "groups". At the same time, a requirement to have groups file on behalf of their members was also proposed. The Commission was cautioned against broadening the categories of persons who might submit complaints, as the Committee might be flooded with communications, and possible financial implications were noted. On the other hand it was stated that allowing groups to complain could reduce the cost, as the Committee might receive one collective complaint instead of many separate complaints from individuals. Other delegations argued that the inclusion of a third category of "organizations" was called for to address the systematic nature of discrimination and gender-based violence, and would be an innovative element.

33. With regard to the standing criteria of a person or group "having a sufficient interest", many delegations found this to be too vague and broad a formulation. Some delegations found such a provision to be inappropriate. The

explanation was offered that this would apply to a situation where the victim herself was not able to complain and a representative would do so on her behalf.

34. The following categories of standing were proposed: a person acting in her own interest; an association acting in the interest of its members; a person acting on behalf of another person who is not in a position to seek relief in her own name; a person acting as a member or in the interest of a group or class of persons; a person acting in the public interest.

35. It was pointed out that the threshold test with regard to the right to complain would depend on the solution of the question of justiciability, and whether all provisions of the Convention would be covered under an optional protocol. It was also emphasized that the optional protocol should empower the Committee to deal with complaints regarding any of the Convention's provisions, as was done when the International Convention on the Elimination of All Forms of Racial Discrimination was adopted. It was also pointed out that a compartmentalization of the provisions of the Convention into justiciable and non-justiciable was not desirable as it might create precedents for other human rights treaties. Some delegations emphasized that the result of the Committee's consideration of a complaint would not be a judgement, but the Committee would assess whether a State party had taken the minimum steps necessary to comply with its obligations under the Convention.

36. It was proposed to expand the right to file a communication by allowing filing to be done on the basis of a "threat of violations or infringements of rights contained in the Convention".

37. While it was proposed to qualify the non-compliance provision by characterizing it as "deliberate, widespread, or systematic", it was also emphasized that the purpose of the optional protocol was to establish an individual complaints procedure.

38. The question was raised as to who would bear the cost of proceedings.

Element 8

39. As to whether communications should be in writing only, delegations agreed that, in principle, they should be in writing. Some delegations proposed that in exceptional cases, when the Committee deemed that there was no other reasonable way to lodge a communication, some other means could be accepted, such as oral presentation, or taped submissions. The practical difficulties connected with oral presentations were pointed out.

40. With regard to the confidentiality of the communication, some delegations stressed the need to clarify whether this referred to the identity of the author, the confidential treatment of the communication vis-à-vis third parties, the non-disclosure of the name of the author to the State party, or the outcome of its consideration. It was suggested to clarify the policy objective of this requirement in order to arrive at a solution. The different types of confidentiality requirements contained in various elements, including 8, 9 (b), 11, 12, 15 and 24, was pointed out, and the need for clarity and consistency of concepts in each case was stressed.

41. Some delegations understood the provision to mean confidential treatment of the communication, but not that the communication itself should be confidential. Thus, knowledge of the identity of the author should be limited to the Committee and the State party. This would also be beneficial to the process of mediation.

Several delegations emphasized that the State party would need to know the identity of the author in order to reply to the complaint and to initiate remedial action. Other delegations noted that if the aim of the provision was the protection of the author, this could be achieved with the provision contained in element 10, or with some other measure. The need to publicize the facts and findings upon conclusion was stressed.

42. Some delegations spoke in favour of confidentiality along the lines of existing Charter-based procedures, such as the 1503 procedure, or the communications procedure of the Commission on the Status of Women. Others argued that in the light of the purpose of the protocol, the principles and practice of other human rights treaty bodies, such as the Human Rights Committee, should be used as models.

Element 9

43. With regard to the admissibility criteria proposed in element 9, it was noted that, while the list proposed in the element is reflective of the present stage in other comparable procedures, the preparation of a new protocol offered an opportunity for progressive development and the reflection of current practice.

44. Element 9 (b): Support was expressed for this formulation.

45. Element 9 (c): While clarification was sought on the conceptual distinction between "alleged violation" and "alleged failure to give effect", it was also noted that the formulation simply reflected a comprehensive view of the provisions of the Convention. Some delegations identified a link between these criteria and the question of standing in element 7, as well as the question whether all the provisions of the Convention would be covered by the protocol.

46. Several delegations foresaw a potentially enormous number of communications under the second standard, and proposed the following formulation: "alleged failure to provide effective remedies to situations caused by violations of rights under the Convention".

47. Element 9 (d): Several delegations noted that such a criterion was absent from other comparable procedures. They found it to be counter to existing norms and agreed that an optional protocol should apply to acts that had occurred after the entry into force of the optional protocol in the State party. Support was expressed for an approach whereby the admissibility criterion would be the entry into force of the Convention, not of the optional protocol, in the State party.

48. Element 9 (f): With regard to the element on the exhaustion of domestic remedies, preference was expressed its for the formulation contained in the first Optional Protocol to the International Covenant on Civil and Political Rights. Others stated their preference for language as contained in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which stated that the requirement of the exhaustion of domestic remedies should not be the rule where domestic remedies were unreasonably prolonged, or unlikely to bring effective relief. The language contained in the latter would also be in accordance with the practice of the Human Rights Committee, which interpreted its own provision to include the absence of effective domestic remedies, their lack of effectiveness, or denial of a remedy. It was suggested that more general

wording might be needed which would include that the victim was unaware of domestic remedies, or of their availability. It was also suggested to include the word "available" before "domestic remedies", as that would be in line with other instruments. The view was expressed that it would not be in line with the role of the Committee to judge whether domestic remedies had been exhausted.

49. With regard to the second sentence, especially the proposed power of the Committee to declare another international procedure "unreasonably prolonged", many delegations agreed that such a provision would be inappropriate as it would give the Committee the power to judge the work of other bodies. Instead, preference for existing language was expressed, such as in the Convention against Torture or in the Migrant Workers Convention, that is, that the same matter "has not been, and is not being, examined by another treaty body". Reference was also made to article 27.1 (b) of the European Convention establishing inadmissibility when a petition "is substantially the same as a matter which has already been examined by the Commission or has already been submitted to another procedure of international investigation or settlement and if it contains no relevant new information".

50. Support was expressed for the proposed addition of two criteria, namely that a communication would be inadmissible when manifestly ill-founded; and the inclusion of a time-limit, that is, that a communication be inadmissible if deposited after 12 months from the date of the decision of the highest domestic instance, or a similar reasonable length of time.

51. The addition of the following criteria was also proposed: "Communications should be in compliance with the principles of objectivity and justice and should include legal remedies or reparations, if any, undertaken by the State party concerned."

52. Element 9 (g): The question was raised as to who would determine, and what would be considered, a "reasonable period". It was suggested that the Committee might have this responsibility.

Element 10

53. Several delegations, pointing to the innovative character of element 10 on interim measures, expressed their support for its explicit inclusion in the optional protocol. They noted that that would be in line with existing practice of international, as well as regional, human rights bodies. In order to avoid irreparable harm, the Committee should be empowered to take urgent action when necessary. Noting the positive intention of the provision, other delegations suggested that it should be left to the Committee to include such a provision in its rules of procedure. Such a placement would allow the Committee more flexibility in its practical application.

54. A number of delegations, pointing to the language used in the element, considered it inappropriate to confer upon the Committee power to "request" a State party to take such measures. Instead, the Committee should be able to "recommend" interim measures. Their application should be left to the discretion of the State party. The need for a separate undertaking on the part of the State party was doubted, as States parties were already expected to act bona fide upon ratification of the instrument.

55. Several delegations noted a lack of clarity and precision in the use of the term "preservation of the status quo", suggesting that the intention for recommending such interim measures needed to be further specified. They agreed

that it could not mean that an alleged violation be preserved, but rather its termination and avoidance of irreparable harm, or the prevention of a violation. It was proposed to reword the element to give the Committee the right to recommend, or suggest, interim measures so as not to aggravate the situation. It was also proposed to distinguish between interim measures at the admissibility stage, and during the proceedings on the merits of a communication, in accordance with the practice of the Committee against Torture.

56. It was suggested that it might be necessary to monitor the application of such interim measures at the national level.

57. The requirement, contained in the element, that no inference could be drawn from the recommendation of interim measures for the Committee's decision on the merits was emphasized.

Element 11

58. With regard to the formulation that the State party would be "informed confidentially", several delegations emphasized that, in the light of the purpose of the procedure as individual procedure, the identity of the author would need to be revealed to the State party to enable it to investigate the allegations, remedy the situation and provide full information to the Committee to determine admissibility, including the exhaustion of domestic remedies. It was also stated that the State party would be able to implement any recommendations of the Committee only if it knew the identity of the complainant. It was further stated that only in exceptional cases, when there appeared to be danger for the author, could this requirement be waived or other cautionary measures taken, such as interim measures. In that sense, confidentiality in the element would seem to refer to confidentiality vis-à-vis third parties.

59. While some delegations, pointing to a similar provision in the International Convention on the Elimination of All Forms of Racial Discrimination, emphasized the need to obtain the person's consent before revealing her identity to the State party, they agreed that in most cases, the State party would need to know the author's identity to assume its responsibilities. The representative of the Centre for Human Rights stated that experience with the above Convention showed that of seven cases, in only one had the identity of the author not been revealed to the State party on an exceptional basis.

60. While some delegations proposed that it should be left to the Committee to determine, in its rules of procedure, a reasonable time period for the State party to provide replies, other delegations supported the inclusion of a specified period of time. Reference was made to the first Optional Protocol to the International Covenant on Civil and Political Rights (six months) and the International Convention on the Elimination of All Forms of Racial Discrimination (three months). Several delegations expressed a preference for a six-month time-limit.

61. Several delegations welcomed the proposals for mediation contained in element 11. It was, however, stressed that the terms of any settlement would need to be in accordance and compatible with the State party's obligation under the Convention; be acceptable to both parties; and be arrived at without pressure on the author to settle. Those concerns would need to be addressed in relevant provisions of the optional protocol or in the rules of procedure.

62. With regard to the confidential nature of the report on a settlement, some delegations emphasized the importance of a transparent procedure, which would encourage other States parties to take relevant action, and which would build up the Committee's case law. While the name of the author could be withheld, the results of the settlement should be made public in the report of the Committee, if the author and the State party so wished.

63. It was proposed to divide element 11 into two separate elements, whereby the second element would consist of the last sentence.

64. Some delegations pointed out that a State party needed to be informed of the full substance of a communication, and not simply of "the nature of the communication", as suggested in element 11. Thus, it was proposed to state that "the communication as such" be transmitted to the State party. In fact, both parties, that is the State party and the complainant, needed to have the full documentation of a case.

65. Some delegations proposed that the State party be represented in meetings of the Committee when matters affecting it were under consideration. It was suggested that any means which facilitated the full and active participation of the State party would be acceptable. Such a concept could be contained either in the optional protocol, or in the rules of procedure. Other delegations found that it would be inappropriate for the parties to be present at the consideration of a communication. If there were an exception, then it could be only at the specific request of the Committee. The representative of the Centre for Human Rights informed the Working Group that it was not the practice of the Human Rights Committee to have representatives of the State party present during the consideration of a communication.

Element 12

66. With regard to a provision that the Committee would examine a communication in the light of information received, inter alia, "from other relevant sources", most delegations emphasized that only information submitted by the author and the State party should be considered. With reference to element 7, it was stated that, as only victims should have the right to submit communications, it would be only the victim and the State party that could provide information on a case.

67. Other delegations pointed out that other relevant sources of information could shed further light on cases where women were disempowered or unable to provide information. Any such information, which could be derived from sources such as reports or deliberations of other United Nations mechanisms, would need to be made available to the parties concerned. Regarding other sources of information it was noted that, as communications would be confidential vis-à-vis third parties during consideration, only general background information could be made available to the Committee. Such information might be more usefully provided in the framework of the reporting procedure under article 18 of the Convention.

68. Many delegations agreed that a visit to the territory in the examination of a communication would be inappropriate. It was pointed out that such a provision would belong to elements 17-23. Some suggested that, on an exceptional and case-by-case basis, this could be envisaged. There was, however, no need to include such a provision in the optional protocol. That aspect was important, as demonstrated by the successful use of the method under the European system. It was also available in the inter-American system. It

was emphasized that such a visit would only take place with the agreement of the State party. The question of the resource implication of such a provision was also raised.

69. With regard to the examination of the communication by the Committee, and in relation to suggestions made by some delegations under element 11 that the State party be present, several delegations emphasized that, in both cases the procedure should be of a written nature and without the presence of the State party. Some delegations stated that, while in principle this should be a written procedure, the Committee should have the power to conduct oral hearings with both parties. The possibility of oral testimony should also not be excluded.

70. It was stated that the use of the term "adopt" in this element was inappropriate.

Element 13

71. Some delegations welcomed the addition of the element, especially with regard to reparations. Its inclusion would provide an opportunity, as was the case with certain other elements, for the progressive development and strengthening of international human rights law. Some delegations noted the consistency of the element with the practice of human rights treaty bodies. The well-established practice of the Committee on the Elimination of Discrimination against Women to adopt recommendations at the conclusion of the consideration of States parties' reports was noted. Reference was also made to General Assembly resolution 41/120, establishing the principle that new international human rights instruments must be consistent with the existing body of international human rights law and may not fall behind existing standards. Some delegations emphasized the importance of the Committee's ability to make recommendations on steps necessary to implement the Convention.

72. Some delegations noted that there was no precedent for a provision on the recommendation of remedial measures in cases of non-compliance with treaty provisions in other human rights instruments. At the same time, delegations agreed that the Committee was not a judicial body, and thus its views were of a recommendatory, albeit authoritative, character. It was emphasized that the States parties to the Convention on the Elimination of All Forms of Discrimination against Women already had the legal responsibility to remedy any violations of the Convention. Some delegations stated that it should be left to the States parties to determine the appropriateness of the remedial measures. Others doubted that the Committee should have the power to order a State party to take specific remedial measures.

73. Some delegations noted that the intention of the element would be that the State party take the necessary steps to give effect to its obligations under the Convention, that is, that action be taken by the State party at the national level. Several delegations suggested that the element should be drafted in a way to suggest dialogue, rather than judgement.

74. Several delegations identified a lack of clarity in the use of the term "adequate reparation", including clarity as to who would make the determination. Some proposed the deletion of this term. Information on the understanding of the term "reparation" was provided based on a study conducted by an expert of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights.

75. The following formulation was proposed: "... appropriate remedy, including, if need be, adequate reparation". Reference was also made to paragraph 124 (d) of the Platform for Action for possible language on rehabilitation.

76. Some delegations suggested that the period of time within which a State party would inform the Committee about measures taken should be made specific. A few months was suggested as appropriate.

77. Some delegations pointed out that the question of the justiciability of all provisions of the Convention would have a bearing on the formulation of this provision.

Element 14

78. Several delegations expressed their support for the inclusion of an element on follow-up, and for the intent and formulation of the element. That would be in accordance with the practice of the Human Rights Committee and the European system.

79. In order to clarify that the element covered the implementation phase of the Committee's views in a case, several delegations proposed the following formulation: "... concerning implementation of such measures ...".

80. In welcoming the element, it was suggested that element 13 be cast along similar lines. The need for ongoing dialogue between the Committee and the State party, and the inclusion of relevant information in the framework of reporting, were welcomed by several delegations.

Element 15

81. The Chairperson of the Committee on the Elimination of Discrimination against Women informed the Working Group of an error contained in element 15 to the effect that it should not refer to a "confidential" report. The element should thus read:

> The Committee would, in its report, summarize the nature of communications received, its examination of them, the replies and statements of the States parties concerned and its views and recommendations.

82. On the basis of this clarification, several delegations supported the element. They emphasized the need to publicize the availability of the procedure and the work of the Committee, and to disseminate widely the views of the Committee in order to develop jurisprudence on women's human rights. The inclusion of information about the work under the optional protocol in the Committee's annual report would also be in line with the practice of other treaty bodies, which included in their annual reports a summary of cases after their conclusion and the Committee's findings.

83. Some delegations proposed that, instead of a summary of the nature of the communication, the element should use the formulation of article 14.8 of the International Convention on the Elimination of All Forms of Racial Discrimination: "The Committee shall include in its annual report a summary of such communications and ...".

Element 16

84. Several delegations supported the establishment of a working group of the Committee. This would be in line with the practice of the Human Rights Committee, and would be an effective and efficient method for preparing the work of the Committee as a whole. At the same time, several delegations pointed out that the term "its responsibilities", used in the element, was inappropriate as the Committee would not delegate any authority to the working group. A working group could simply have responsibility for preparing or expediting the handling of communications for the Committee as a whole. They emphasized that only the Committee as a whole could have the power to adopt decisions, including decisions on the admissibility of communications. Thus, the following formulation was proposed: "responsibilities for the preparation of consideration of cases ...".

85. Some delegations, noting that the element covered simply a method of work of the Committee, proposed that the provision should be dealt with in the Committee's rules of procedure, instead of in the optional protocol.

86. Some delegations noted the need for further clarification of the nature, function, role and power of a working group of the Committee. The different types and functions of working groups established under human rights treaty bodies, and under Charter-based procedures, were identified.

General comments on an inquiry procedure

87. Some delegations supported the inclusion of an inquiry procedure in an optional protocol as a means of dealing with serious and systematic violations of women's human rights. The existence of a similar procedure under the Convention against Torture, article 20, and at regional levels, was noted. The Working Group was informed, however, that this procedure under the Convention against Torture had only been used once. Other delegations expressed doubts about the need to have the inquiry procedure proposed in suggestion 7 included in the optional protocol. Some delegations suggested that alternatives for achieving the intention behind an inquiry procedure should be explored fully. Some delegations noted that any new instrument should enjoy the broad acceptance of States parties.

88. Several delegations suggested that possibilities within the Convention on the Elimination of All Forms of Discrimination against Women itself, which would apply to all States parties, should be pursued, such as developing an inquiry procedure under the Committee's existing mandate and rules of procedure. The establishment of an early warning mechanism under the Committee on the Elimination of Racial Discrimination was cited as an example. Introduction of time-bound follow-up to the Committee's concluding comments on States parties reports under article 18 was suggested. Other delegations recommended further study of the possibilities for addressing serious and systematic violations in the framework of reporting under article 18, including follow-up to the Committee's concluding comments, and the request for in accordance with article 18.1 (b).

89. Some delegations proposed that element 7 be drafted to enable the Committee to deal with situations of serious and systematic violations under a communications procedure. Universal accession to existing instruments should be promoted. Other delegations emphasized the need to strengthen existing procedures, including the communications procedure of the Commission on the Status of Women and the 1503 procedure.

90. Some delegations raised the question of possible overlapping between an inquiry procedure and existing mechanisms, especially with the communications procedure of the Commission and the 1503 procedure. Others noted the differences in, and complementarity of, these procedures in regard to the proposed inquiry procedure. They expressed concern about the length of the process under the 1503 procedure, particularly for violations which needed immediate action. The intergovernmental character of the Commission's communications procedure and of the 1503 procedure on the one hand, and of the expert character of the proposed inquiry procedure on the other, were noted. Other delegations emphasized the need to mainstream women's human rights, because the human rights of women were not the main focus of other human rights bodies. Some noted that Charter-based procedures and other treaty-based procedures were based on different instruments, not on the Convention on the Elimination of All Forms of Discrimination against Women.

Element 17

91. Regarding the formulation of element 17, several delegations noted that the threshold for admissibility would need to be both serious and systematic violations, that is, there would be a high threshold to initiate an inquiry. Some noted that an inquiry procedure would enable the Committee to deal with patterns of widespread violations of women's human rights and allow it to address a broader range of issues, including structural causes of violations, than would be the case under the individual procedure. Reliable information would be required to start the procedure. A few delegations expressed concern at the optional nature of many aspects of the proposed inquiry procedure, underlining the need for more active investigation into serious and systematic violations.

92. Some delegations stated that some provisions of the Convention might lend themselves more to an inquiry procedure than to an individual complaints procedure. A more comprehensive discussion of the merits of the inquiry procedure would thus depend on the development of the communications procedure. Some delegations noted that the "serious and systematic" criteria would need to apply both to alleged violations and to alleged failures to comply. Other delegations found the "failure" category to be redundant. The scope of element 17 would be considered too broad if it were to be applied to all of the rights covered by the Convention.

Element 18

93. The question was raised as to what mechanisms would be available in case of non-cooperation of a State party.

Element 19

94. The need for including a time-limit was raised.

Element 20

95. Some delegations noted that only the State party concerned would participate in the inquiry, not "States parties". As to the intention of confidentiality in this element, it was suggested that, contrary to the individual communications procedure, those who submitted information leading to an inquiry procedure would not be involved in its conduct, but that this would be limited to the Committee and the State party.

Element 21

96. Some delegations noted a lack of clarity in the meaning of the term "satisfactory outcome". Some delegations raised the question as to the Committee's attitude in case a State party would not provide the requested information.

Element 22

97. Some delegations raised the question whether the Committee, at the completion of the process, would be empowered to publish its report even without the agreement of the State party in the Committee's annual report. The practice of the Convention against Torture was noted, which consulted the State party, but was not required to obtain agreement from the State party.

Element 23

98. The requirement that a State party undertake to assist the Committee was considered redundant as such cooperation was expected to result from ratification.

Element 24

99. Several delegations emphasized the need to publicize widely the optional protocol, and the following additions, or alternative formulations, were proposed: "... making the provision of the optional protocol widely known in their countries", or "the communication and inquiry procedure should be made public as widely as possible". While the role and participation of United Nations bodies and agencies in such efforts were stressed, some delegations were of the opinion that this should be addressed in a resolution rather than in the optional protocol itself.

Element 26

100. With reference to a recent amendment to the Convention regarding the Committee's meeting time, it was suggested that that matter should be left to the Committee to decide in its rules of procedure. Other delegations inquired whether there might be a need for additional annual sessions and sought clarification on the amount of time that might be necessary for the Committee to discharge its duties under an optional protocol. Regarding possible sources of funding for the Committee's work under an optional protocol, the question was raised whether it would be funded from the regular budget of the United Nations, or by the States parties to the Convention, or by the State parties to the optional protocol. It was noted that all human rights treaty bodies were funded from the regular budget of the United Nations.

101. Several delegations noted a lack of clarity regarding the scope of the "expert legal advice", referred to in the element. Questions were also raised regarding the composition of the Committee, in particular concerning the need for greater legal expertise to be included in its membership. It was noted that, upon the adoption of the optional protocol, States parties would need to review such expertise when electing members of the Committee. While the Secretariat would be expected to support the work of the Committee, the expertise would also be needed in the Committee itself.

Element 27

102. Several delegations suggested that it might be necessary to specify the number of ratifications that would be required for the optional protocol to enter into force. While it was proposed that it could enter into force after five instruments of ratification had been deposited, other delegations suggested that the intention should be to have as many States parties as possible ratify the optional protocol upon adoption. Other delegations also considered that it was necessary to encourage as many ratifications as possible and suggested that a higher threshold for entry into force might facilitate this.

Element 28

103. While some delegations proposed that ratifying States parties should be required to accept both procedures covered in an optional protocol, others suggested that, similar to article 28 of the Convention against Torture, States parties should have the opportunity to "opt out" of one of the two procedures. It was suggested that any "opt out" provisions applied only to the inquiry, and not to the communications procedure. It was recommended that, even if the possibility existed, ratification of the optional protocol ought to be without reservations as it dealt with procedural matters; others stated that reservations might be needed to achieve a large number of ratifications, but that reservations incompatible with the object and purpose of the optional protocol should not be allowed, in accordance with established principles of international law. It was noted that the first Optional Protocol did not contain a no-reservations clause. Delegations also referred to the discussion on reservations held under element 5.

C. Discussion on justiciability

104. In addition to its consideration during the general exchange of views and of the elements contained in suggestion 7, the Working Group held a further discussion on the question of justiciability. Statements were heard by two members of the Human Rights Committee on this matter, followed by an exchange of views with the Working Group.

105. Some delegations argued that all the provisions of the Convention should be covered by an optional protocol, and that the question of justiciability should not be an obstacle to its preparation. While noting different degrees of specificity, in the Convention, of rights and of States parties' obligations to grant rights, undertake activities and take appropriate measures, they pointed to the legal character of the treaty, which needed to be executed in good faith by States parties. They argued that it should be left to the treaty body to determine in each case, and in a reasonable way, whether a provision was justiciable or not, and whether a State party had fulfilled its treaty obligations. Those delegations considered that the objective of the Convention, namely equality of women and men in the enjoyment of rights and the elimination of discrimination, and the purpose of an optional protocol, namely to make the Convention more effective, would make it possible for the supervisory body, on the basis of concrete cases, to determine State party compliance. While noting a State party's margin of discretion in implementing its obligations and determining measures to be taken, it was also pointed out that a State party's actions in implementing its treaty obligations were subject to meaningful scrutiny by a treaty body. The important role of the optional protocol as a means of recourse for women, and to strengthen enforcement of women's rights, was stressed.

106. Some delegations noted that the classical distinction into civil and political rights as justiciable, and economic, social and cultural rights as non-justiciable could, in the light of practice, case law and academic writings, no longer be maintained. Elements from both could be found in either category Empowering the Committee to determine justiciability on a case-by-case basis would also enable the further development of case law on the question of justiciability of human rights provisions. It might also stimulate States parties to create effective national remedies and recourse mechanisms for women.

107. While recognizing the potential for difficulties in determining justiciability of some provisions under an individual communications procedure, a number of delegations cautioned against a categorization of treaty provisions into justiciable and non-justiciable. They noted that that would seriously impair the integrity and unity of the Convention and establish a hierarchy of more and less important rights. The right to equality and non-discrimination had in itself been accepted as justiciable by existing human rights mechanisms, including the International Covenant on Civil and Political Rights and Optional Protocol and the International Convention on the Elimination of All Forms of Racial Discrimination. Regional mechanisms, such as the European Convention, the Inter-American Convention and the African Charter, contained different types of rights, offered individual communications and/or inquiry procedures, but did not distinguish between justiciable and non-justiciable rights.

108. Other delegations expressed their doubts about the inclusion of all the provisions of the Convention under an individual communications procedure. While they agreed that certain rights were quite specific and would thus lend themselves to such complaints, others were of a general nature where the basis for individual recourse would be difficult to determine given the State party's margin of appreciation with regard to measures to be taken. Articles 3, 5 and aspects of 10 were mentioned as examples where difficulties in implementing an individual right to petition would potentially arise. The comparison with the national level, where civil and political rights were justiciable, was made.

109. In that regard, some delegations were of the view that any decision on justiciability should not be left to the Committee on a case-by-case basis, but should be settled among member States. Differences between various legal systems in determining exhaustion of domestic remedies and of standing would also need to be addressed. The question of determining the exhaustion of domestic remedies with regard to programmatic provisions of the Convention was raised, including the assessment of exhaustion of non-judicial remedies. The impact on third parties, that is, on private individuals, of provisions of the Convention would also need to be addressed.

110. Rather than categorizing the provisions as justiciable and non-justiciable, it was suggested that the purpose of the optional protocol needed to be further reviewed and its applicability determined. An admissibility criterion could be the reliable evidence of a consistent pattern of gross violations of the rights guaranteed in the Convention, along the lines of the 1503 procedure. It was also suggested that a solution could be sought through the determination of the Committee's mandate, power, and the type of recommendations it could pronounce at the end of a communication procedure. In that regard, it was proposed that those would be of a recommendatory, non-binding nature, allowing the State party ultimately to reach a conclusion different from the Committee's. While under the more specific provisions, the Committee's views could be very specific, in others, the process would be more in the form of a dialogue between the Committee and the State party.

111. Some delegations, noting the quasi-judicial nature of an optional protocol, pointed out the need for Committee members to have legal expertise. Other delegations, taking into account the composition of the Committee on the Elimination of Racial Discrimination, stressed the usefulness of having Committee members who were not lawyers, so that the combination of legal and non-legal expertise could result in just and fair decisions.

General points

112. The addition of an element to cover the Committee's rules of procedure under the optional protocol was proposed.

113. It was noted that a number of elements proposed for inclusion in the optional protocol reflected the current practice of human rights bodies. Doubts were expressed about whether they needed to be included in an optional protocol, or should be left to the Committee to elaborate upon in its rules of procedure. The development of a rigid instrument should be avoided.

Appendix

SUMMARY OF PRESENTATIONS BY, AND EXCHANGE OF VIEWS WITH, EXPERTS OF THE HUMAN RIGHTS COMMITTEE ACTING IN THEIR INDIVIDUAL CAPACITY

1. Mr. Rajsoomer Lallah noted that, while the International Covenant on Civil and Political Rights did not cover all the provisions contained in the Convention on the Elimination of All Forms of Discrimination against Women, articles 2 and 3 of the Covenant dealt with equality and non-discrimination in the enjoyment of the rights recognized in the Covenant, and article 26 dealt with equality before the law and equal protection of the law. There were currently 87 States parties to the first Optional Protocol.

2. Mr. Lallah reviewed the two stages of the consideration of a communication, namely the determination of admissibility and the procedure on the merits of a case. In referring to specific provisions contained in the first Optional Protocol, he pointed to their progressive development through the Committee's practice, including matters such as the exhaustion of domestic remedies, the question of standing, interim measures and the follow-up to decisions taken on the merits of a case. He discussed the written nature of the procedure and admissible sources of information, the lack of any investigative power of the Committee, and the treaty obligation of States parties to remedy violations, notwithstanding the absence of mandatory power in the Committee's views. He reviewed selected cases that the Human Rights Committee had dealt with under article 26, noting that the Committee had found that article 26 established a basic right to equality before the law, which was not restricted to the rights under the International Covenant on Civil and Political Rights. While conflicts in adjudication between different procedures could be avoided through the establishment of admissibility criteria, some overlapping might, however, not be wholly undesirable.

3. Ms. Cecilia Medina Quiroga and Mr. Fausto Pocar, speaking on the question of justiciability, noted that the Committee on the Elimination of Discrimination against Women could, under an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, build on the jurisprudence already developed by the Human Rights Committee. They agreed that, as the Convention itself was based on the principles of non-discrimination and equality, all its other provisions could be linked back to these principles. As the non-discrimination provision was recognized as justiciable and subject to meaningful scrutiny by treaty bodies, they considered all the provisions of the Convention to be justiciable. They agreed that some of the Convention's provisions, including the requirement that States parties take appropriate measures, might lead to certain difficulties in assessing compliance. They stressed that a decision on the justiciability of a provision should be left to the Committee, taking into consideration a State party's obligations to implement its treaty obligations in good faith, and in a reasonable way. Both experts strongly cautioned against any _a priori_ classification of rights into justiciable and non-justiciable.

4. Furthermore, it was pointed out that no clear line could be drawn between justiciable and non-justiciable provisions. As shown by the examples of a number of articles in the International Covenant on Civil and Political Rights, justiciability of a treaty provision was also a question of degree. A number of the Covenant's provisions required a State party not only to respect a right,

but to take measures to ensure its enjoyment. The sufficiency of such measures was assessed by the treaty body against the standards set out in the treaty.

5. The availability of domestic remedies, including non-judicial remedies, was seen as essential and their sufficiency would be subject to review by a treaty body. This was especially so with regard to the right to non-discrimination. It was stressed that the Convention granted rights to women, even if its provisions were formulated as States parties' obligations. The views expressed by the Human Rights Committee had the force of recommendations. Noting the question of overlapping between procedures, the experts pointed to the unique emphasis that the Convention on the Elimination of All Forms of Discrimination against Women was placing on women within the human rights system. With regard to reservations, an expert noted that in principle, these were permissible under the first Optional Protocol. The introduction of reservations to the International Covenant on Civil and Political Rights through the Protocol was, however, not permissible. Furthermore, while the Human Rights Committee was prevented from considering reserved articles under the Protocol, that Committee had the competence to determine whether a reservation was compatible with the Covenant and, consequently, the admissibility of a communication.